## **Application No. 3**Commission District 12 Community Council 10

#### **APPLICATION SUMMARY**

Applicant/Representative: Anthony Balzebre Trust/Jeffrey Bercow, Esq. &

Michael Larkin, Esq.

Location: Northwest corner of NW 107 Avenue and NW 12

Street

Total Acreage: 63.95 Gross Acres; 54.20 Net Acres

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

Requested Land Use Plan Map 1- Business and Office;

Designation: 2- Regional Activity Center; and

3- Metropolitan Urban Center

Amendment Type: Standard

Existing Zoning/Site Condition: IU-2 (Heavy Industrial Manufacturing District), IU-C

(Conditional Industrial District) and GU (Interim

District) / Undeveloped with existing lake.

#### **RECOMMENDATIONS**

Staff: **DENY AND TRANSMIT** (August 25, 2007)

Westchester Community Council: ADOPT AND TRANSMIT WITH ACCEPTANCE OF

PROFFERED COVENANT (September 18, 2007)

Planning Advisory Board (PAB) acting

as Local Planning Agency:

ADOPT AND TRANSMIT WITH ACCEPTANCE OF

PROFFERED COVENANT (October 15, 2007)

Board of County Commissioners: ADOPT AND TRANSMIT WITH ACCEPTANCE OF

LETTERS OF ROADWAY IMPROVEMENTS AND TRANSIT CENTER, AND RELOCATE THE

METROPOLITAN URBAN CENTER TO THE

**SUBJECT SITE** (November 27, 2007)

Revised Staff Recommendation **DENY** (March 24, 2008)

Final Recommendation of PAB acting

as Local Planning Agency:

TO BE DETERMINED (March 31, 2008)

#### **Initial Staff Recommendation:**

The staff recommended: **DENY AND TRANSMIT** the proposed standard amendment on August 25, 2007 to redesignate the subject site at the northwest corner of NW 12 Street and NW 107 Avenue from "Industrial and Office" and "Business and Office" to "Business and Office" on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP), and to designate the site a Regional Activity Center (RAC) based on the Staff Conclusions and Principal Reasons for Recommendations summarized below:

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

- A. The staff recommended denial of redesignation of the subject property from "Industrial and Office" and "Business and Office" to "Business and Office"
  - 1. The proposed land use designation would allow a mixed-use development that would be complimentary and consistent with the existing adjacent land use designations for the Dolphin and International malls. If infrastructure issues are resolved, staff could support the redesignation of the subject property to "Business and Office."
  - 2. The traffic currency analysis indicated that the addition of trips generated by the proposed Application would significantly impact the level of service of NW 12 Street, between the HEFT and NW 107 Avenue and from NW 107 Avenue to NW 97 Avenue, which was predicted to operate at LOS F, below the adopted LOS D standard applicable to these roadway segments

By 2015, the County's FSUTMS Modeling results indicated that a number of roadways were projected to exceed, without the Application's impacts, their adopted LOS standards. The same roadways would be further deteriorated by the impact of the Application. The Applicant also submitted a Transportation Analysis Report that concluded there was available capacity and acceptable levels of service maintained for the adjacent roadways and the Study Area roadway network. DP&Z staff disagreed but was willing to work with the Applicant and the transportation consultant in order to discuss the discrepancies in the results.

3. Some of the public facilities and services in this area are strained and require additional time for facility plan updates and programming to catch up with demand. The Fire-Rescue Department anticipated the proposed land use change would generate 701 alarms per year, and would have a severe impact on existing fire-rescue services until the completion of Station No. 68 (Dolphin) in 2013.

This application, if approved, would increase the potential student population of the schools serving the application site by an additional 368 students. One hundred and seventy-seven students would attend Eugenia B. Thomas Elementary, increasing the FISH utilization from 152% to 168%; 81 students would attend Doral Middle, increasing the FISH utilization from 116% to 123%; and 110 students would attend Miami Coral Park Senior, increasing the FISH utilization from 107% to 110%. Eugenia B. Thomas Elementary School would exceed the 115% FISH design capacity, and Miami Coral Park High School would reach the 115% FISH design capacity and the applicant is therefore required to consult with the Miami-Dade County School Board regarding mitigation.

- 4. The applicant submitted a draft Declaration of Restrictions (covenant), which established a "Maximum Development Program" (MDP) for the subject site. The MDP provides 1,050 dwelling units or 1,701,000 square feet; 799,900 square feet of retail/service; 430 hotel rooms or 225,000 square feet; and 225,000 square feet of office. The covenant states that the owner may simultaneously increase and decrease the MDP's land use categories provided that the cumulative impacts of the reallocated land uses may not exceed (a) PM peak hour trips established for the MDP, which equates to 3,479 gross PM peak hour trips, or (a) potable water demand of the MDP, which equates to 0.812 million gallons per day. Other provisions of the covenant included a Metrorail station for the proposed East-West transit corridor (if extended to include the subject property), or a MetroBus terminal; implement "New Urbanism" design principles, Leadership in Energy and Environmental Design (LEED) certified building standards, "Florida Friendly" landscaping and water conservation measures; provide a charter school, allocate land for school construction or offer monetary contribution to meet future educational facility needs; and comply with applicable workforce housing requirements, or construct a minimum of 100 workforce-housing units.
- 5. The applicant proposed a mixture of uses on site consisting of multifamily and commercial uses. Currently, the Analysis Area (MSA 3.2) has adequate supplies of vacant land for multi-family units, industrial activities and commercial uses. An analysis of the residential capacity by type of dwelling units showed the absorption of multi-family units

occurring beyond 2025. The supply of residential land for both single-family and multi-family units in this area was projected for depletion beyond 2025. However, staff recognized that it would be beneficial to maintaining the existing Urban Development Boundary to add the 1050 dwelling units that the applicant is proposing. The depletion year for both commercial and industrial land supply is 2025.

- 6. The application could promote transit ridership and pedestrianism with a mixture of uses on a site that may also include a Metrorail station for the proposed East-West transit corridor (if extended to include the subject property), or a MetroBus terminal. Staff recommended that detailed information be provided on how the project would directly tie into the County's transit system. Since this site is nearly 2/5 of a mile long between NW 111 and NW 107 Avenues, the internal transportation means that would be available to transit users needs to be identified.
- 7. The application site is currently undeveloped and will not degrade environmental or historical resources. Approximately one-third of the subject site consists of a lake in the center of the property that is surrounded by mature vegetation. The project would partially fill in the existing lake.
- 8. The Miami-Dade Aviation Department (MDAD) determined that the subject site is impacted by Critical Area Approach, subzones "B" and "C" (CA-B and CA-C) and the Outer Land Use Zone (OLZ) that are associated with Miami International Airport (MIA), as defined in the Code of Miami-Dade County, Section 33-336. The eastern third of the site is in subzone "CA-B", while the remainder of the site is in subzone CA-C. The placement of an educational facility, including a day care facility, at this location is subject to all applicable regulations for these subzones in Section 33-336. The OLZ impacts the southeastern portion of the subject site. Thus, the construction of new residential units and educational facilities, where allowed within the OLZ, are permitted where 25-decibel (db) Noise Level Reduction (NLR) materials are incorporated into the design and construction of the structure(s).

According to the MIA Height Zoning Map, the height limitations on the subject property range from 400 feet above mean sea level on the eastern border to 450 feet above mean sea level on the western border. The applicant, prior to proceeding with design, should submit elevation plans to MDAD for review to comply with the Zoning Ordinance for MIA.

- B. The Staff recommended that the request for the Regional Activity Center be denied.
  - The intent of the Regional Activity Center (RAC) designation is to attain high density, mixed-use activity centers without utilizing the Development of Regional Impact (DRI) process. Policy 11.14 of the Adopted 2004 Strategic Regional Policy Plan for South Florida authorizes the designation of Regional Development Districts to implement the provisions of Chapter 380.0651 FS, which provide for the designation of geographic areas highly suitable for increased DRI review threshold intensity.

The material submitted by the applicant had not proven that all requirements in the state regulations regarding the designation of a regional activity center had been met. Chapter 28-24.014 of the Florida Administrative Code (F.A.C.) requires areas receiving the designation of a regional activity center satisfy four criteria which are the following: 1) is consistent with the local comprehensive plan (i.e. CDMP); 2) provides service to and is regularly used by a significant number of citizens of more than one county; 3) is proximate and accessible to interstate or major arterial roadways; and 4) contains adequate existing public facilities as defined in Rule 9J-5 or committed public facilities, as identified in the capital improvements element of the local comprehensive plan. Staff agrees with the applicant's findings that criteria 1 and 3 have been satisfied.

However, criteria 2 and 4 were not met. The license plate survey of the parking lots for the PBS&J Office Building, FDOT Office Building, International Mall, and Dolphin Mall did not meet the requirements of Criterion no. 2. The County's analysis of traffic indicates that improvements need to be added as committed public facilities to the Schedule of Improvements in the Capital Improvements Element of the CDMP. Thus, Criterion no. 4 was not satisfied.

- 2. The advantage for the applicant in obtaining a RAC designation is that 799,900 square feet of retail development could on be built on the site without going through the Development of Regional Impact (DRI) process. Otherwise, the applicant is limited to 400,000 square feet of retail space. However, the applicant has not demonstrated a need for an additional 399,900 square feet of retail development. In addition, the economic analysis provided by the applicant did not address the impact of an additional 799,900 square feet of retail development in the area on the economic health of the two existing adjacent malls, which already have together over 2,400,000 square feet of retail space.
- 3. The City of Doral identifies two potential RAC designations in its Comprehensive Plan. The proposed ±47-acre "Free Trade Zone" RAC is located on the southeast corner of NW 107 Avenue and NW 25 Street. This

project proposes to include 1.2 million square feet of hotel, office, retail, convention/showroom, and warehouse space in addition to existing facilities. The proposed ±462-acre "Section 8" RAC is bounded by NW 90 and NW 74 Streets and NW 107 and NW 97 Avenues and is the site of the Doral-1 Application of the April 2004 CDMP Amendment Cycle, which was adopted by the Board of County Commissioners in 2005. The plans for this project include residential, commercial, parks and recreation, institutional and industrial uses. The combined impact of three proposed RAC's on existing infrastructure and services in this area must be further examined.

4. If the infrastructure issues are addressed in the future, the staff could recommend that the graphic symbol for Metropolitan Urban Center (MUC) designation on the LUP map of the CDMP, currently centered on the International Mall property, be relocated to the subject site. Ideally, the MUC should be centered on the proposed transit site. This site may not include a Metrorail station because the alignment of the east-west line has not been determined. Relocating the MUC graphic symbol from the site of International Mall should not be an issue, since the Mall is located in the City of Doral and is governed by the city's comprehensive plan, which does not identify a MUC at this location.

The MUC designation is intended to create identifiable "town centers" having convenient, direct access to expressways or major roadways, provide alternatives to automotive travel, and create a distinctive sense of place through urban and architectural design. The radius of designated MUC's is a one-quarter mile (1,320 ft.) walking distance from the central core or central transit stop, and may extend up to one-half mile (2,640 ft.) along major roads and pedestrian linkages. Relocation of the MUC to the subject site will enable the applicant to construct a more intense development than is permitted in the Urbanizing Area (the area between the Urban Infill Area and the Urban Development Boundary), which is a Floor Area Ratio (FAR) of 1.25. The minimum Floor Area Ratio (FAR) of a MUC is greater than 3.0 in the "core" and no less than 0.75 at the "edge," with a maximum density of 250 dwelling units per gross acre (DU/gross acre).

#### **New Information:**

Since the BCC transmittal public hearing on November 27, 2007 and the publication date of the Initial Recommendations Report (August 25, 2007), the Department of Planning and Zoning (DP&Z) has received updated information from the applicant, Miami-Dade Public Schools and the Department of Community Affairs (DCA) concerning the application site. To ensure that staff had adequate time to review and analysis materials submitted by applicants in order to prepare a Revised Recommendations Report, a deadline of March 10, 2008 for submittal of covenants and technical reports was emailed to them on January 24, 2008. Some of the materials

submitted by the applicant were after the deadline for the Initial Recommendations Report, including the covenant dated March 14, 2008 and traffic study. However, the covenant described below does meet the deadline of March 14, 2008 for submitting covenants prior to the PAB hearing. A covenant sent late on March 21, 2008 has not been reviewed. Thus, the Department or other County agencies may be providing additional review materials at a later date. The sections that follow provide a brief summary of the new information received.

#### Objections, Recommendations and Comments Report from DCA

The DCA has submitted its "Objections, Recommendations and Comments" (ORC) report to the DP&Z on February 26, 2008 with two objections to this application. Objection No. 4 stated that Miami-Dade County would be prohibited from adopting comprehensive plan amendments, which increase residential density, until the necessary school amendments to the CDMP and a revised Interlocal Agreement with the Miami-Dade County School Board has been adopted and transmitted to DCA. This application would result in a maximum of 1050 dwelling units. According to Objection No. 7, the application does not satisfy the criteria to be designated a Regional Activity Center since the application has not demonstrated there are or would contain adequate public facilities, per Chapter 9J-5 FAC. DCA also objected to the proposed land use change to Business and Office and the RAC designation because of its potential impacts on the local transportation system. DCA recommends that discrepancies between the DP&Z and the applicant regarding the traffic impact analyses be resolved prior to adopting this amendment. The full text of the ORC is attached in Exhibit A and the DP&Z response to the ORC is Exhibit B.

#### **Declaration of Restrictions**

The Applicant has proffered a revised Declaration of Restrictions that was received late March 14, 2007, that revises the Transit Improvements Section to provide for a maximum of 10 bus bays, 150 to 170 parking spaces, a kiss-and-ride area, transitoriented commercial uses, and transit lounge. Once the certificate of occupancy for the transit facility is received from the County, the applicant shall dedicate to the County the site of the facility except for the driveway network, which it will grant an easement to. The revised covenant adds two new sections, Air Rights Reserved and Roadway Improvements. The Air Rights Reserved provides for the owner to retain all air rights in and to the air space above the transit facility. Owner proposes to construct and reconstruct and alter from time to time in and upon the Air Rights and property certain improvements as deemed necessary or desirable by owner. The Applicants commits to funding and building certain roadway improvements. The covenant further states that the applicant will not seek a certificate of occupancy for any building within the subject site, other than the proposed public transportation facility, until Dolphin Fire Rescue Station No. 68 receives a temporary certificate of occupancy, or another Fire Rescue station is designated to serve the property. A similar restriction on certificate of occupancy for structures with residential uses is also provided. A copy of the revised Declarations of Restrictions is attached in Appendix 2. Department of Planning and

Zoning staff has provided the Miami-Dade Transit staff with a copy of the revised Declarations of Restrictions for their review and comments.

#### Traffic Analysis

The applicant's transportation consultant submitted additional data in response to DCA's objection to the proposed land use change and to designate the site a RAC. The analysis is based upon an impact evaluation which compares the Year 2015 model derived traffic forecasts for the Base Scenario to the Year 2015 model derived traffic forecasts in Scenario 3. The Year 2015 traffic forecasts were then compared to the Year 2015 roadway capacity pursuant to the adopted level of service standards from the Traffic Circulation Subelement of the Miami-Dade County CDMP. The data and analysis demonstrates that each of the 71 study segments analyzed were found to either meet the adopted level of service standards or were found to not significantly impact the study roadway segments (see Tables A & B in Appendix 6). The development permitted does not significantly impact any roadway segment operating below adopted LOS standards for the long term planning horizon.

#### **Revised Staff Recommendation:**

The staff recommends **DENIAL** of the application to redesignate the subject site at the northwest corner of NW 12 Street and NW 107 Avenue from "Industrial and Office" and "Business and Office" to "Business and Office" on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP), relocate the Metropolitan Urban Center designation on the LUP from International Mall to the site, to designate the site a Regional Activity Center (RAC), revise the text and map series in the Land Use Element and modify the tables in the Capital Improvements Element. The applicant has come along way in resolving the adequate public facilities and traffic generation criteria required to be designated a RAC. The applicant submitted revised data and analysis demonstrating that the 71 road segments identified in the Initial Recommendations report meet the adopted LOS standards, committed to build roadway and transit improvements, and proffered a covenant to Miami-Dade School Board to provide \$3.2 million in order to mitigate the application's impact on area schools. However, the school board still has to approve the proffered covenant. The recommendation for denial is for the following reasons:

- 1. The proposed land use designation would allow a mixed-use development that would be complimentary and consistent with the existing adjacent land use designations for the Dolphin and International Malls. However, mass transit is needed to make this site work as a major mixed-use designation. The applicant needs to address unresolved issues with the Miami-Dade Transit regarding the proposed public transportation facility, including the number of parking spaces, parking fee, it's operation, and air rights.
- 2. Another pending issue is the provision of fire and rescue services. The Fire-Rescue Department anticipates that the proposed land use change would generate 701 annual alarms and would have a severe impact (i.e. more than

100 annual alarms) on existing fire-rescue services until the completion of Station No. 68 (Dolphin). The County will fund the design of this station but will not commence construction until development of a viable solution to the potential future operating revenue shortfall.

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#### **APPENDICIES**

- Appendix 1: Applicant's response to ORC report and Initial Recommendations and Exhibits, dated March 13, 2008
- Appendix 2: Declarations of Restrictions, dated March 14, 2008
  Revised Declarations of Restrictions, dated March 21, 2008
- Appendix 3: Applicant's letter requesting a density transfer dated March 10, 2008
- Appendix 4: Applicant's notification of change in ownership dated March 13, 2008
- Appendix 5: Miami-Dade County School Board analysis of Application's impact on school facilities, dated March 18, 2008
- Appendix 6: Revised transportation data and analysis from applicant's transportation consultant
- Appendix 7: Table 10 (Traffic Circulation) and Table 11 (Mass Transit) of the Capital Improvements Element (CIE) revised and submitted by the applicant

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#### **APPENDIX 1**

Applicant's response to ORC report and Initial Recommendations dated March 13, 2008

- Exhibit A: Revised traffic data and analyses, dated March 5, 2008
- Exhibit B: Roadway Improvements Map
- Exhibit C: Declarations of Restrictions in Favor of the School Board of Miami-Dade County, dated February 1, 2008
- Exhibit D: Revised Fire-Rescue data, dated September 13, 2007
- Exhibit E: Memorandum: Miami-Dade Fire-Rescue Department Current Financial Conditions, Future Fiscal Challenges, and Impact of Municipalities Opting Out of the Fire District, dated March 13, 2008

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DIRECT LINE: (305) 377-6231 E-Mail: mlarkin@brzoninglaw.com

#### VIA HAND DELIVERY

March 13, 2008

Mr. Subrata Basu Interim Director Department of Planning and Zoning Miami-Dade County Stephen P. Clark Center 111 Northwest 1st Street, 11th Floor Miami, Florida 33128

Re: Anthony Balzebre Trust, Application No. 3, April 2007 CDMP Amendment Cycle – Response to DCA's ORC Report and Miami-Dade County's Initial Staff Recommendation.

Dear Subrata:

As you know, this law firm represents the Anthony Balzebre Trust ("Applicant"), the applicant in connection with the above-referenced application ("Application"). We are in receipt of the Department of Community Affairs' (DCA) Objections, Recommendations, and Comments (ORC) report, dated February 26, 2008, regarding the April 2007-08 amendment cycle for the Miami-Dade County Comprehensive Development Master Plan (CDMP). Please allow this letter to serve as the Applicant's written response to DCA's ORC and to the initial staff recommendations prepared by the County's Department of Planning and Zoning ("Initial Recommendation").

#### DCA'S ORC REPORT

Objection No. 4: Failure to Implement School Concurrency. The County has not adopted its revised public school facilities element or executed the updated public schools interlocal agreement with the Miami-Dade County School Board. As a result, DCA's ORC states that the County may not adopt the Application until it undertakes the necessary steps required by Section 163.3177(12), Florida Statutes (2007). However, DCA's ORC report, and the subsequent correction letter, states that

the County, as an alternative, can "adopt the amendments, after revising to address all applicable objections in this report, with site specific policies to limit onsite development to non-residential uses."

In order to address the foregoing concern, the Applicant's proffered covenant to the County ("Covenant") now includes language that limits onsite development to non-residential uses until such time as the County complies with all of the requirements set forth in the foregoing described statute. Specifically, the Covenant provides as follows:

Owner agrees not to obtain a certificate of occupancy for any building containing a residential use until such time as Miami-Dade County has adopted a public school facilities element, entered into an Interlocal Agreement with the Miami-Dade County Public School System with regard to school concurrency, and amended its Comprehensive Development Master Plan to implement school concurrency.

Objection No. 7: Designation of Regional Activity Center ("RAC"). DCA's ORC report states that the Application does not satisfy the RAC criteria relating to adequate existing or committed public facilities. Specifically, to support this conclusion, the report cites an inadequate level of service on the vicinity roadways identified in the Initial Recommendation. The Applicant's traffic consultant, Cathy Sweetapple from Cathy Sweetapple & Associates, has responded to these traffic concerns by letter dated March 5, 2008. In her analysis, Ms. Sweetapple concludes that each of the 71 study roadway segments either meet the adopted level of service standards using the maximum service volumes established in the FDOT 2002 Quality/Level of Service Handbook, or were found to not significantly impact the study roadway segments based upon the Application's maximum development program.¹ Please see Ms. Sweetapple's response to the ORC report for additional detail, attached as Exhibit A.

#### CONCERNS RAISED IN INITIAL RECOMMENDATION

<u>Roadways</u>. In the Initial Recommendation, staff articulates a concern about the available capacity of the roadways adjacent to the Property. This concern has been addressed by language in the Covenant, which provides that:

The Owner shall fund and construct the roadway improvements described in Exhibit B. The foregoing roadway improvements shall be

<sup>&</sup>lt;sup>1</sup> The Application's maximum development program is defined in the Covenant.



> open to traffic prior to the issuance of any Certificate of Occupancy for any building within the Property, except for those buildings that constitute the Public Transportation Facility.

See Exhibit B.

In addition, staff expressed a concern in the Initial Recommendation about an inadequate level of service on the study area's roadway segments (this same concern was incorporated by DCA into its ORC Report). The Applicant's traffic consultant, Cathy Sweetapple, has responded to these traffic concerns by letter dated March 5, 2008. As mentioned above in the section entitled "Objection No. 7: Designation of Regional Activity Center ("RAC")," Ms. Sweetapple concludes in her letter that each of the 71 study roadway segments either meet the adopted level of service standards using the maximum service volumes established in the FDOT 2002 Quality/Level of Service Handbook, or were found to not significantly impact the study roadway segments based upon the Application's maximum development program. See Exhibit A.

<u>Public Schools</u>. According to the Initial Recommendation, if the residential component of the project's maximum development program is fully realized, this will generate an estimated student population of 368 students. The foregoing student population will attend Eugenia B. Thomas Elementary School, Doral Middle School, and Miami Coral Park Senior High School. Using the applicable standard, School Board staff acknowledged in the Initial Recommendation that the Application will not have any impact on Miami Coral Park Senior High School, but will impact the elementary and middle schools.

On February 1, 2008, the Applicant delivered to School Board staff an executed Declaration of Restrictions in favor of the School Board of Miami-Dade County, which provides that the Applicant will voluntarily contribute funds to the School Board equal to \$3,283,434.00 in order to help meet the future public schools needs generated by the application. See Exhibit C. The proffer of this covenant satisfies the Applicant's obligation to mitigate any potentially adverse impact on the educational facilities that will service the student population generated by the redevelopment of the property as required by Paragraph 7F of the current Interlocal Agreement. Typically, School Board staff issues a letter stating that an applicant has met its mitigation obligation under the Interlocal Agreement and, as a result, the School Board will not object to the application. When the letter in connection with this Application becomes available, we will forward it to you.



Fire Rescue. The Initial Recommendation states that the Application's development program would generate an additional 892 alarm calls per year, and therefore would have a severe impact on existing fire-rescue services.<sup>2</sup> However, the Initial Recommendation further states that a new station (Station No. 68) will be located in the vicinity of N.W. 112th Avenue and N.W. 17th Street. This planned station, named Dolphin Station, is located very close to the Application area, and would mitigate the project's impacts on fire-rescue services. Notably, the land for planned relief Station No. 68 is already owned by the County, and a recent memorandum prepared by Mr. George Burgess, County Manager, states that Miami-Dade Fire Rescue ("MDFR") recommends for this station to be funded by the Board of County Commissioners. See Exhibit E.

Although the foregoing memorandum acknowledges County ownership of the land and recommends funding for the construction of Fire Station No. 68, it also recognizes the current challenge in obtaining operational funding for Fire Station No. 68. The memorandum concludes that "MDFR will begin the design process for [Fire Station No. 68], but will not commence construction until development of a viable solution to the potential future operating revenue shortfall."

In order to ensure the County that fire-rescue services will not be adversely impacted until adequate fire-rescue infrastructure exists to service the project, the Covenant now includes language that provides as follows:

Owner agrees not to obtain a certificate of occupancy for any building within the Property, except for those buildings that constitute the Public Transportation Facility and any construction within the reserved Air Rights, until such time as either the Dolphin Fire Rescue Station (No. 68) has received a temporary certificate of occupancy or any other new Fire Rescue Station designated by the Fire Rescue Department that will service the Property.

In addition, in order to help address the operational funding requirements for Fire Rescue Station No. 68, the Covenant provides that the "Owner agrees to support the creation of a non ad valorem fire assessment fee." As noted in the foregoing-described memorandum, fire assessment fees provide a cost-effective and financially stable means of funding future fire services.

<sup>&</sup>lt;sup>2</sup> Please note that as per Jaqueline De Diego, Miami-Dade Fire Rescue's former Planning Section Supervisor, the correct number of net new annual alarm calls is 352, as opposed to the 892 alarm calls described in the Initial Recommendation See Exhibit D.



If you have any questions or comments with regard to the foregoing, please give me a call at (305) 377-6231.

Sincerely yours,

Michael W. Larkin

MW

#### Enclosures

cc: Mr. Mark Woerner

Mr. Pat Moore

Mr. Mark Dorsey

Mr. Robert Balzebre

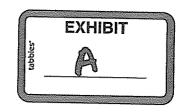
Mr. Steven Nostrand

Ms. Cathy Sweetapple

Mr. Rob Curtis

Jeffrey Bercow, Esq.

Michael A. Gil, Esq.



#### CATHY SWEETAPPLE & ASSOCIATES TRANSPORTATION AND MOBILITY PLANNING

March 5, 2008

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

2007 CDMP Amendment Application No. 3 - Transportation Issues RE: Response to the DCA ORC Report

Dear Mr Samosa.

Pursuant to our meeting on February 1, 2008 to review the Year 2015 traffic conditions for Application No. 3, and based upon the comments received from DCA in their February 26, 2008 Objections, Recommendations and Comments Report for Miami-Dade County Amendment 08-1, please find enclosed with this correspondence the information needed to Comments related to transportation issues and Application No. 3 are addressed herein

#### Objection No. 7: Designation of Regional Activity Center

DCA Objection: There is one criterion in Rule 28-24.014(10), F.A.C., however, which is not satisfied by the amendment as proposed, according to the data and analysis provided by Miami-Dade County DPZ in the amendment package. The particular criterion is that the Regional Activity Center shall contain adequate existing public facilities as defined in Chapter 9J-5, F.A.C., or committed public facilities, as identified in the Capital Improvements Element of the local government comprehensive plan. According to Miami-Dade County DPZ, there are not currently sufficient public facilities and services to serve the proposed development in the RAC - particularly vicinity roadways. DPZ's analysis (see page 3-2 in the "Initial Recommendations" in the 08-1 Amendment package), submitted with the amendment, states that proposed development's additional vehicle trips will contribute to deterioration of two vicinity roadway segments (NW 12 Street between the HEFT and NW 107 Avenue and from NW 107 Avenue to NW 97 Avenue) to below their adopted LOS standards.

Response:

The Applicant addressed Miami-Dade County's concerns related to traffic concurrency for NW 12 Street on November 8, 2007 DPZ then revised and replaced pages 3-2 and 3-22 dated November 27, 2007, and included these revised pages in their staff recommendations report prepared for the CDMP Amendment Transmittal Public Hearing See Attachment I of this submittal for the original page 3-2, and the revised and replaced pages 3-2 and 3-22 which were inserted into the staff report by DPZ for the November 27, 2007 transmittal hearing

Mr. Napoleon Samosa 2007 CDMP Amendment Application No. 3 - Transportation Issues Response to the DCA ORC Report March 5, 2008 - Page 2

DCA Objection: Fifty-five other vicinity roadway segments are predicted to drop below their adopted LOS standards by 2015, with or without the vehicle trips from Application 3 (page 3-25 of the "Initial Recommendations" document in the 08-1 Amendment package). Of these, the following segments predicted to fail by 2015 will be significantly affected (5 percent or more of the adopted PM peak-hour level of service standard volumes) by the maximum development of the Application 3 property:

> NW 58 Street, from NW 87 Avenue to NW 97 Avenue NW 41 Street, from the HEFT to NW 122 Avenue NW 25 Street, from NW 87 Avenue to NW 97 Avenue NW 12 Street, from SR 826 to NW 107 Avenue Dolphin Expressway, from the HEFT to SR 826 West Flagler Street, from NW 79 Street to SR 826 SW 8 Street/Tamiami Trail, from the HEFT to SW 127 Avenue NW 87 Avenue, from NW 25 Street to SR 836 NW 97 Avenue, from NW 58 Street to NW 41 Street NW 97 Avenue, from NW 25 Street to West Flagler Street NW 107 Avenue, from NW 25 Street to West Flagler Street HEFT, from SR 836 to SW 40 Street NW 122 Avenue, from NW 41 Street to NW 25 Street NW 122 Avenue, from SW 8 Street to SW 26 Street NW/SW 132 Avenue, from NW 12 Street to SW 18 Street

Response:

The Applicant met with Miami-Dade County on February 1, 2008 to address their concerns related to Year 2015 traffic conditions for the roadway segments identified above and for all the segments included in the study area for Application No 3. The Applicant was provided copies of the Miami-Dade County Year 2015 modeling forecasts for Application No. 3 which were used by staff to evaluate the amendment. The modeling forecasts were prepared for the following scenarios:

Base Scenario - Industrial and retail using the maximum FAR under the existing land use designation; Scenario 1 - All retail using the maximum FAR based upon the Amendment;

Scenario 2 – All residential based upon the maximum FAR and density based upon the Amendment; Scenario 3 - Mixed Use Development Program with retail, office, hotel and residential

Miami-Dade staff analyzed the potential impact of the base scenario and each of the three development scenarios, even though the Applicant had submitted a draft covenant to limit development impacts to Scenario 3 Since the covenant was accepted as part of the CDMP Transmittal Hearing, Miami-Dade County staff has indicated that Scenarios 1 and 2 no longer need to be addressed in the infrastructure analysis. The conclusions reached by staff on page 3-27 of their staff report indicated that their findings were based upon the impact of at least one or more of the development scenarios, which then generated the listing of roadway segments identified in the DCA objection above

Additional data and analysis have been provided in Tables A and B included in Attachment II of this submittal, based upon an impact evaluation which compares the Year 2015 model derived traffic forecasts for the Base Scenario to the Year 2015 model derived traffic forecasts for Scenario 3 The Year 2015 traffic forecasts were then compared to the Year 2015 roadway capacity using the maximum service volumes established in the FDOT 2002 Quality/Level of Service Handbook for both the state and non-state roadways pursuant to the adopted level of service standards from the Transportation

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> Element of the Miami-Dade County CDMP The data and analysis provided in Table A demonstrates that each of the 71 study segments analyzed were found to either meet the adopted level of service standards or were found to not significantly impact the study roadway segments based upon the development of the Application No. 3 property using the Scenario 3 Mixed Use Development Program The development permitted under Scenario 3 does not significantly impact any roadway segment operating below adopted LOS standards for the long term planning horizon since the Amendment traffic will not impact any of these segments by 5.0% or more of the adopted PM peak hour level of service standard

> The data and analysis provided in Table B specifically addresses those roadway segments listed above (which are also included in Table A) to confirm that each of these study segments were found to either meet the adopted level of service standards using the maximum service volumes established in the FDOT 2002 Quality/Level of Service Handbook (pursuant to the adopted LOS from the Transportation Element of the CDMP), or were found to not significantly impact the study roadway segments based upon the development of the Application No. 3 property using the Scenario 3 Mixed Use Development Program

DCA Objection: This condition for designating a Regional Activity Center is therefore not satisfied, because mitigation for impacts to these roads has not been addressed.

> Pursuant to the additional data and analysis provided in Tables A and B included in Attachment II of this submittal, the condition for designating a Regional Activity Center has in fact been satisfied since each of the 71 study segments analyzed were found to either meet the adopted level of service standards using the maximum service volumes established in the FDOT 2002 Quality/Level of Service Handbook (pursuant to the adopted LOS from the Transportation Element of the CDMP), or were found to not significantly impact the study roadway segments based upon the development of the Application No. 3 property using the Scenario 3 Mixed Use Development Program Application No. 3 has committed by covenant not to exceed the net external PM peak hour trips for the Scenario 3 Mixed Use Development Program, and has therefore agreed to limit site development to less than what could be permitted by the maximum development of the property. The Scenario 3 Mixed Use Development Program does not significantly impact any roadway segment operating below adopted LOS standards for the long term planning horizon since the Amendment traffic will not impact any of these segments by 5.0% or more of the adopted PM peak hour level of service standard

DCA Objection: The Department concludes that the proposed Application 3 does not satisfy all of the criteria for designation as a Chapter 380 Regional Activity Center because it has not been demonstrated that the Regional Activity Center will contain adequate existing public facilities as defined in Chapter 9J-5, F.A.C., or sufficient committed public facilities, as identified in the Miami-Dade County Capital Improvements Element.

> Pursuant to the additional data and analysis provided in Tables A and B included in Attachment II of this submittal, Application No 3 has been found to satisfy all of the criteria for designation of a Chapter 380 Regional Activity Center since it has now demonstrated that the Regional Activity Center will contain adequate existing and committed public facilities as defined in Chapter 9J-5, F.A.C. based upon the development of the Scenario 3 Mixed Use Development Program

Response:

Response:

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DCA Objection: The Department objects to the proposed future land use change to Business and Office for the entire site and to its designation as a Regional Activity Center, because of the potential impacts on the vicinity transportation system.

Response:

Pursuant to the additional data and analysis provided in Tables A and B included in Attachment II of this submittal, Application No 3 has been found to satisfy all of the criteria for designation of a Chapter 380 Regional Activity Center since it has now demonstrated that the Regional Activity Center will contain adequate existing and committed public facilities The future land use change to Business and Office for the entire site is necessary to enable the development of the Scenario 3 Mixed Use development program since it will enable the Applicant to pursue a high quality, pedestrian oriented, mixed use development program to accommodate retail, office, hotel and residential uses, creating a unified development design in accordance with coordinated and cohesive design principles. Miami-Dade County has examined the potential impacts on the vicinity transportation system, and has concluded that traffic concurrency is met and that the roadways adjacent to the site also meet adopted levels of service for the long term planning horizon By covenant, and as an amendment to the Miami-Dade County Capital Improvements Element, the Applicant has committed to constructing several roadway capacity improvements on the network adjacent to the Amendment site, and has committed to providing a transit center and/or transit station (with parking) on a portion of the Amendment property.

#### DCA Recommendations:

The impacts on level of service on vicinity roadways identified by Miami-Dade County DPZ for Application 3 must be addressed. The Department observes that the applicant for Application 3 submitted a traffic analysis which demonstrates that acceptable levels of service are maintained on vicinity roads with the proposed development. Miami-Dade County DPZ stated in the amendment package that although it did not agree with the applicant's analysis, it was willing to work with the applicant to resolve the discrepancies between the two traffic analyses. The Department recommends that the discrepancies in the different traffic analyses be resolved. If, after this is done, there remain adverse impacts on level of service on vicinity roadways, the amount of development must be reduced or additional road improvements must be included in the 6-year schedule of capital improvements to mitigate the impacts.

Response:

The Applicant met with Miami-Dade County on February 1, 2008 to address their concerns related to Year 2015 traffic conditions for the roadway segments identified above and for all the segments included in the study area for Application No. 3. Pursuant to the additional data and analysis provided in Tables A and B included in Attachment II of this submittal, the Applicant has demonstrated that each of the vicinity roadways analyzed were found to either meet the adopted level of service standards using the maximum service volumes established in the FDOT 2002 Quality/Level of Service Handbook (pursuant to the adopted LOS from the Transportation Element of the CDMP), or were found to not significantly impact the study roadway segments based upon the development of the Application No. 3 property using the Scenario 3 Mixed Use Development Program. The Applicant has therefore addressed the discrepancies between the County and Applicant analysis methodologies, and has utilized the modeling forecasts provided by the County to evaluate the adequacy of the transportation infrastructure. No additional roadway improvements are needed based upon the additional data and analysis provided in Tables A and B included in Attachment II of this submittal.

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#### Consistency with the State Comprehensive Plan

DCA Objection: The above cited amendments do not further and are not consistent with the following goals

and policies of the State Comprehensive Plan (Chapter 187, Florida Statutes):

Public Facilities Goal and Policies 1, 2, 7, and 10

Transportation Goal and Policies 2, 3, 7, 8, 9, 12, 13, and 15

Response: This objection has been addressed in the specific responses to Objection No. 7 as outlined above.

Please do not hesitate to contact me if you have any questions or concerns with the information provided by this submittal Thank you for your time and assistance in making this a more complete analysis of long range transportation conditions in order to respond to the DCA comments.

Sincerely,

Cathy Sweetapple & Associates
Transportation and Mobility Planning

Cathy S Sweetapple, AICP

Principal Transportation Planner

cc: Rob Balzebre

Jeffrey Bercow

Rob Curtis

Paul Darst

Andrew Dolkart

Michael Gil

Michael Larkin

Stephen Nostrand

Mark Woerner

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## Attachment I

# Page 3-2 from the Initial Recommendations Staff Report

Page 3-2 – Revised and Replaced November 27, 2007 into the Transmittal Hearing Staff Report

Page 3-22 – Revised and Replaced November 27, 2007 into the Transmittal Hearing Staff Report The Staff recommends **DENY AND TRANSMIT** the proposed standard amendment to redesignate the subject site at the northwest corner of NW 12 Street and NW 107 Avenue from "Industrial and Office" and "Business and Office" to "Business and Office" on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) and to designate the site a Regional Activity Center (RAC) based on the Staff Conclusions and Principal Reasons for Recommendations summarized below:

#### Principal Reasons for Recommendations:

- A. The staff recommends denial of redesignation of the subject property from "Industrial and Office" and "Business and Office" to "Business and Office"
  - 1. The proposed land use designation would allow a mixed-use development that would be complimentary and consistent with the existing adjacent land use designations for the Dolphin and International malls. If infrastructure issues are resolved, staff could support the redesignation of the subject property to "Business and Office."
  - 2. The traffic currency analysis indicates that the addition of trips generated by the proposed Application will significantly impact the level of service of NW 12 Street, between the HEFT and NW 107 Avenue and from NW 107 Avenue to NW 97 Avenue, which is predicted to operate at LOS F, below the adopted LOS D standard applicable to these roadway segments.

By 2015, the County's FSUTMS Modeling results indicate that a number of roadways are projected to exceed, without the Application's impacts, their adopted LOS standards. The same roadways will be further deteriorated by the impact of the Application. These roadways segments, which are listed on page 3-25, are: NW 58, NW 41, NW 25, NW 12 and SW 8 Streets; the Dolphin Expressway and the HEFT; and NW 132, NW 122, NW 107, NW 97 and NW 87 Avenues.

The Applicant also submitted a Transportation Analysis Report in support of the Application. The report, prepared by Cathy Sweetapple & Associates, compares and evaluates the transportation impacts resulting from the proposed CDMP amendment based on three analysis scenarios: The maximum allowable square footage permitted under the current land use designation, the maximum allowable square footage that would be permitted under the proposed land use designation, and the maximum development program proposed by the Applicant. The transportation consultant concludes that there is available capacity and acceptable levels of service are maintained for the adjacent roadways and the Study Area roadway network. DP&Z staff disagrees with this conclusion. However, county staff is willing to work with the Applicant and the transportation consultant in order to discuss the discrepancies in the results. A copy of the applicant's transportation analysis report is attached in Appendix D.

3. Some of the public facilities and services in this area are strained and require additional time for facility plan updates and programming to catch up with

The Staff recommends **DENY AND TRANSMIT** the proposed standard amendment to redesignate the subject site at the northwest corner of NW 12 Street and NW 107 Avenue from "Industrial and Office" and "Business and Office" to "Business and Office" on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) and to designate the site a Regional Activity Center (RAC) based on the Staff Conclusions and Principal Reasons for Recommendations summarized below:

#### Principal Reasons for Recommendations:

- A. The staff recommends denial of redesignation of the subject property from "Industrial and Office" and "Business and Office" to "Business and Office"
  - 1. The proposed land use designation would allow a mixed-use development that would be complimentary and consistent with the existing adjacent land use designations for the Dolphin and International malls. If infrastructure issues are resolved, staff could support the redesignation of the subject property to "Business and Office."
  - 2. By 2015, the County's FSUTMS Modeling results indicate that a number of roadways are projected to exceed, without the Application's impacts, their adopted LOS standards. The same roadways will be further deteriorated by the impact of the Application. These roadways segments, which are listed on page 3-25, are: NW 58, NW 41, NW 25, NW 12 and SW 8 Streets; the Dolphin Expressway and the HEFT; and NW 132, NW 122, NW 107, NW 97 and NW 87 Avenues.

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3. Some of the public facilities and services in this area are strained and require additional time for facility plan updates and programming to catch up with demand. The Fire-Rescue Department anticipates the proposed land use change would generate 892 alarms per year, and would have a severe impact on existing fire-rescue services until the completion of Station No. 68 (Dolphin) in 2013

CDMP Amendment Application No. 3 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	Adopted LOS Std.	Peak Hour Capacity	Peak Hour Volume	Existing LOS	Approved D.O's Trips	Amend. Peak Hour Trips	Total Trips With Amend.	Total Trips Concurrency With LOS with Amend, Amend.
Scenario 1: COMMERCIAL USE NW 107 Avenue NW 12 S NW 107 Avenue SR 836 I NW 12 Street NW 107 Avenue SR 836 I NW 12 Street NW 107	CIAL USE NW 41 Street to NW 25 Street NW 42 Street to NW 25 Street SR 836 to NW 12 Street NW 107 Avenue to NW 97 Ave. HEFT to NW 107 Ave.	909 709 709 704 709	ممسمم	6,630 4,450 6,253 2,950 4,450	2,678 3,447 5,117 1,657 3,115	∢aa∪∪	337 639 543 N/A 287	1,412 215 216 839 119	4,427 4,359 5,876 2,496 3,521	8 C M C C C C C C C C C C C C C C C C C
Scenario 2: RESIDENTIAL USE NW 107 Avenue NW 41 8 NW 107 Avenue SR 836 NW 12 Street NW 107 NW 12 Street HEFT to	TIAL USE NW 41 Street to NW 25 Street NW 12 Street to NW 25 Street SR 836 to NW 12 Street NW 107 Avenue to NW 97 Ave. HEFT to NW 107 Ave.	9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9	00000	6,630 4,450 6,253 2,950 4,450	2,678 3,447 5,117 1,657 3,115	< 0.000	337 639 543 N/A 287	689 105 105 410 59	3,304 4,191 5,765 2,067 3,461	A (044) D (069) D (06)
Scenario 3: MIXED US NW 107 Avenue NW 107 Avenue NW 107 Avenue NW 12 Street NW 12 Street	Scenario 3: MIXED USE PROFFERED BY APPLICANT NW 107 Avenue NW 12 Street to NW 25 Street NW 107 Avenue SR 836 to NW 12 Street NW 107 Avenue to NW 97 Ave.	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	00.000	6,630 4,450 6,253 2,950 4,450	2.678 3.447 5,117 1,657 3,115	\0000	337 639 543 N/A 287	1,466 224 224 871 124	4,481 4,310 5,884 2,528 3,526	B (04) D (06) D (06) D (06)

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

DV= Divided Roadway, UD= Undivided Roadway, LA Limited Access
County adopted roadway level of service standard applicable to the roadway segment

Year traffic count was updated or LOS Revised Source: Notes:

April 2007 Cycle Revised and Replaced November 27, 2007

Application No. 3

3-22

## Attachment II

Table A
Year 2015 Analysis of Roadways Identified as
Infrastructure Concerns by Miami-Dade
County using the Proposed Scenario 3 Mixed
Use Development Program
for Application No. 3

Table B
Roadways of Concern Highlighted
by Miami-Dade County

Table A - Year 2015 Analysis of Roadways Identified as Infrastructure Concerns by Miami-Dade County using the Proposed Scenario 3 Mixed Use Development Program

						1			14,000	SALC Mardel	2014 Model	Hate VIC.	Scenario 1 VIC	", Change	Significance
Rozdway	Segment Limits	Lenes	Z015 Adopled	Zat5 Madel Base Scenario	Scenario 3		Status	Capacity		Base Scenerio	Scenario 4	Using FDOT	Using FDOT	Scenario 4	Status
	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	437	507	VIC.	216	Scenerio J	Reduction in impact	14,914 24,914		39,251	38,715	1,26	1.24	-0.02	Not Significant - below 5%
NW 54 Street	5K 525 to NY \$! AYD		0 6	3	2	- 1	Sea calculations using adopted 105	24914		30,997	32,478	60.	1,04	0.048	Not Significant - below 5%
	MW 57 Ave to NW 92 Ave	9	a e	1.14	35.	0.7.0	Met Ginniferant, bolow 5%	74914	31, 100	18,547	29,654	0.92	0.95	9000	Not Significant - below 5%
	HW 92 Ave to HW 97 Ave	400	Э	1,13	53'1	+0°a	in the state of th	100	15 560	23 047	23 009	0.74	0.74	0.00	Not Significant - below 5%
	NW 97 Ave to NW 102 Ave	4LD	٥	0.93	0.92	9.00	Act Significant - Delega	516,51							
	ļ									22, 42	56 301	200	75 U	100,	Hol Stanfferni - below 5%
PAY 41 Suest	SR 526 to fitty 87 Ave	9	120% of E	1,08	1.07	-0.01	Raduction in impact	51,978	29,180	30,172	20,00		101	100	Not Stanificant - below 5%
	NN 57 Ave to AW 97 Ave	å	120% of E	1,14	1.14	0.01	Not Significant - below 5%	51,978	59,160	507'&¢	53,304	90,1			13 12 13
	HEFT to MW 122 Ave	92	0	1,3226	1,1725	0.0499	Hot Significant - bolow 5%	12,500	14,500	16,532	17,156	5	<b>8</b> .	0.04	Rot Significant - pelaw 274
		_													
ANY 25 Street	SR 526 to NW 62 Ave		120% of E	(.32	134	20'0	Hot Significant - below 5%	51,978	78,540	68,734	69,610	0.87	0.68	0,01	Not Significant - below 5%
	12 CAN 12 And 12 And	=	120% of F	1.72	1.24	0.02	Not Significant - beinw 5%	51,978	59,160	63,523	54,425	10,1	1,09	0.02	Not Significant - balow 5%
	200 CO 1100 CO 120 TO 1111	2	130% of E	187	1.34	0.03	Not Significant - below 5%	34,348	19,460	45,165	45,103	*:-	1:13	0.02	Hot Significant - below 5%
	THE ST AND IN ST. AND	,		000	1.00	0.01	Not Slanificant - below 5%	24,914	31,160	24,603	24,150	0.79	0.50	10.0	Hot Significant - below 5%
	NAME OF A PART OF THE AND A STATE OF THE AND A STAT		,	0.74	6.74	.0.01	Reduction in impact	35,218	31,100	26,815	26,633	99'0	0.88	10.0-	Hot Significant - below 5%
	210 171 1611 AN ANW 773 1663														
thu to clean	CO 876 to 400 87 8ve	07	120% of E - TDP	0.82	0.55	0.03	Meets Adopted LOS Standerd	34,348	19,440	28,225	29,393	0.71	0.74	0.030	Not Significant - below 5%
14 17 3meat	and state to MARGY five	! !	£20% of E - 1DP	1.52	1.17	6,05	See calculations pring adopted LOS	35,218	39,480	40,583	42,495	1.027	1.076	0.049	Not Significant - below 5%
	nti ai Ara Dillit zi Ara		470% of E . TRB	5	101	9.05	See galquiations using adopted tOS	36,218	39,480	36,276	307'81	0.919	0.96.0	0.043	Not Significant - below 5%
	AYY Y/ AY6 ID MIT YE LOUR	7	101 - 101 - 101	20.5		200	See estratetions uning adopted LOS	36.288	39,480	35,741	37,757	36'0	0,96	0.051	Mosts Adopted LOS Standard
	MW 98 Court to NW 107 Ave	9	120% of E - 10P	6,33	1.04	היתפ			00.00	11 004	16 778	53.0	9.69	0.00	Moets Adopted LOS Standard
	HW 107 Ave to Project	<b>a</b>	E-10P	0.60	9970	0.04	Moets Adopted LUS Standard		anrich	270,110			7.6	111	Manie Adopted i OS Standard
	Project to MW 111 Ave	9	E.TUP	0.57	0.70	0,13	Masts Adopted LOS Standard		49,100	17,143	197°61	↑.a↑	,		11 11 11 11 11 11 11 11 11 11 11 11 11
	NW 111 Ave to Delphia Hall	9	£.10P	0.51	0.59	60'0	Meets Adapted LOS Standard		48,300	26,291	30,778	0.53	0.52	60.0	Meas Adepted Los statues d
	Dolphin Mall to HEFT	19	E - 10P	0.55	0.64	0.03	Meets Adopted LOS Standard	51,975	49,300	28,768	11,122	0.53	0.58	0.03	Reats Adopted LUS Standard
SR 836	SR 825 to NW 87 Ave	3	o	11.0	6,75	0.03	Hot Significant - bolow 5%	111,978	144,360	10,007	53,566	0.55	9.58	0,03	Not Significant - below 5%
	NW 87 Ava to NW 107 Ave	910	O	0,60	0.60	0.00	Not Significant - below 5%	130,467	144,300	104,649	164,952	0.73	0,73	9.00	Not Significant - below 5%
	NW 107 Ave to HEFT	078		\$6.0	1.06	0.11	See calculations using adopted LOS	93,489	144,300	89,238	99,163	Z\$'0	0.69	20.0	Meets Adopted LOS Standerd
		-													
Wast Flegler St	SR 828 to RW 79 Ave	95	120% of E	1.25	1.30	0.04	Not Significant - below 5%	50,544	62,160	63,740	65,902	E .	1,08	0,63	Not Significant - below 374
		_												100	Not Stoulfeast - bulow 5%
SW & Straet	SR 528 to 5W 82 Ave	3	120% of E	127	<u> </u>	0.04	Not Significant - below 5%	_	75,750	766'00	310,80		100	2500	Maste Adonted   OS Standard
	HEFT to SW 122 Ave	91	٥	1,188	1,260	0.073	Sys calculations with adopted LDS		67,800	97/19	anc'es	5.3	16.5		Do Challiter   halon 50
	5W 122 Ave to 5W 127 Ave	919	6	1.044	1.092	0.048	Not Significant - balow 5%	51,878	53,560	54,289	25,173	E .	1,00	0.55'0	
												5	900	900	Not Ginellinent - Delow 5%
SW 26 Street	SR 826 to 5W 82 Ave	9	120% of E	1.20	1.12	-0.07	Reduction in Impact	50,544	59,160	68,460	26,600	70')	0.50		) 39
	SW 117 Ave to SW 122 Ave	â	120% of E	1,28	123	-0.05	Reduction in Impact	34,348	39,468	44,045	42,164	1,12	1.07	en'n-	not significant - below
		-													
SR 826	NW 58 St to RPV 41 St	3		1.27	1,35	-0.02	Reduction in Impact	186,196	152,600	254,985	251,031	97.	£.	20.0-	Not significant - perow 455
	NW 41 St to NW 25 St	160	0	1.29	128	-0.01	Reduction in impact	186,195	182,500	240,273	237,925	1.32	1.38	10.6	Not significant - perow 279
	NW 25 St to SR 836	3	o	1,70	1,69	-0.01	Reduction in Impact	148,956	144,300	253,953	252,198	1.76	1,75	.0.01	Not Significant - Delow 5%
	SR 516 to W. Flagler St	5	٥	1.13	1,08	-0.06	Reduction in Impact	188,196	182,600	210,706	106,279	1.15	1,10	-0.65	Not Significant - balow 5%
	W. Flagler St to SW 8 St	anus .	a	134	1.30	-0.04	Reduction in Impact	186,198	182,600	248,600	242,053	\$£.1	1,33	-0.04	Hot Significant - bolow 5%
	SW 8 St to SW 40 St	10.00	6	1.25	1.20	\$0.0	Reduction in Impact	188,195	182,800	231,940	224,032	137	1.23	-0.04	Not Significant - below 5%

Table A - Year 2015 Analysis of Roadways Identified as Infrastructure Concerns by Miami-Dade County using the Proposed Scenario 3 Mixed Use Development Program

					1 100.00	C. Channa	Stanificance	Sagment	Sagment Capacity	2015 Model	_	-		% Change	Significance
Bradway	timi memes	2015	Adopted	Basa Scenario	Scenario 3	Base vs.	Stefus	Capacity	From FDOT Tables	Base Scenario Volumes		Using FDOT	Using FDOT Cepacities	Scenedo J	63380
AUBUM 43			1,05	VIC	AIC .	Scenerio 3	See calcutations using adopted LOS	51,978	59,160	75,936	78,546	1,28		90'0	Not Significant - below 5%
AW 87 Avenue	MW 25 St to SR 636	ů.	3,000,000	1057	100	19.07	Reduction in Impact	50,544	091'29	51,844	52,981	0.83	0.65	20'0	Hot Significant - below 5%
	SR 836 to Park Blvd	61.D	120% ci E	1.03	EN. 1	75.0	Dedorifor in imperi	36.348	41,400	46,492	46,077	1,12	=	-0.01	Not Significant - below 5%
	W. Flagier St to SW 5 51	410	120% of E	1,35	134	10'0'	National III III III								
							20   balanka anisa amilabahan	15 573	16.380	15,857	16,638	0.969	1,016	0.047	Not Significant - below 5%
RN 97 Avenue	MAY 58 St to MW 52 St	210	. 1 1	1.38	<del>1</del>	0.07	and the second s	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	12 688	23,164	24,019	0.70	0.73	10,0	Not Significant - below 5%
	NW 52 St to NW 45 St	3	E-10P	0.53	0.95	0.03	Not Significant - colow 52s	#16'b7	200,427		17 617	10.0	1 00	0.03	Not Significant - below 5%
	NW 41 St to NW 33 St	410	E-10P	1.29	1,32	0,04	Not Significant - below 5%	24,914	32,900	36,746	16,301	25.		900	Not Stanfficant - below 5%
	12 21 St to 80V 25 St	97	£.10P	1,039	1,085	0,048	Not Significant - balaw 5%	24,914	32,960	25,679	27,057	G.(3	7,00	7.00	N=t Clanificant - halow 5%
	100000000000000000000000000000000000000	G B	\$20% of F	0.94	0.98	0.04	Not Significant - below 5%	23,508	38 460	22,292	23,252	0.56	G.59	70.0	ממו מולוווורפווי אוור ממומו איני
	16 71 JUN 01 16 21		5	000	047	0.02	Hot Stanificant - balow 5%	11,956	32,960	29,602	30,184	05:0	0,92	0.02	Not Significant - below 5%
	JRW 12 51 to MW 7 51	9	- 10c	25.7		1000	Not Clanificant - helow 5%	32.935	32,900	30,283	31,859	0.92	75.0	0.048	Not Significant - below 5%
	HW 7 St to Plagfer St	40	E-TDP	0.919	0.957	0.046	to the substitution of the same	11046	17 800	47,098	41.178	4.1	1.46	0.03	Not Significant - below 5%
	Flagler St to StV 8 St	9	E-TDP	1,43	1,46	0.03	Hot Significant - below 3%	gc,6'7r	22,000	22.07	171 63	111	153	0.04	Not Signifficant - below 5%
	SW 8 St to Coral May	2	£.10P	1.20	1,23	6,04	Hat Significent - below 5%	16,086	16,380	b77'K(	3,044	212			
															11.4 Practitional halpen (1)
	4 2 2 2 2	1		28.0	150	0,04	Hot Significant - balom 5%	14,148	31,100	79,551	31,088	0,951	1,000	0.049	ווסו בומשווונישוו - הפוסא היי
IM 107 Avenue	NY 54 51 to RM 29 51	7	2			9 03	Net Slouffcant - below 5%	34,348	19,410	38,322	19,476	16.0	00'1	0.03	Hot Significant - below 5%
	HW 41 St to MW 33 St	⊋	3 10 %/071	7(')			Mrt Clonificant . helaw 5%	34.341	39,460	44,842	45,395	=	1.15	10.0	Hat Significant - below 5%
	HW 33 St to HW 25 St	<del></del>	120% of E	1,51	75.1	70'0	20 maled security 100	51 078	59.183	52,651	63,550	1.66	1.07	0.02	Not Significant - below 5%
	NW 25 St to NW 14 St		120% of E	1.71	1.72	70'0	not anymercent and the		02 520	58.839	57 700	0.53	0.98	-0.02	Not Significant - bulow 5%
	NW 14 St to NW 12 St	9	120% of E	1,13	E	-0.02	Reduction in impact	4	200 100	אין מיט בג	78 606	180	65.0	60.0	Heats Adopted LOS Standard
	NW 12 St to 5R 836	7	120% of E	1.39	1,50	0.12	Swe calculations using adopted LOS		75,580	12,000	ana'bi	12.3		60.0	Not Stanificant , before 5%
	SR 838 to 1987 51	12	120% of E	1,40	1.40	0.01	Not Significant - below 5%	51,975	72,520	72,665	010,41	99.1	1,0,1	3	Net Confident holms 35
	100 T Chin W Paniar	O18	120% of E	0,52	25.0	0.02	Not Significant - below 5%	51,978	62,150	42,508	43,951	0.58	U,! ?	0.00	my major meanings in
	13 m - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -	C S	170% of E	£1.1g	151	0.02	Not Significant - below 5%	50,544	62,160	111,03	61,357	0.97	0.99	0,02	אסו אלשווונישווי - אסומא ריא
	IV, riagier to ber e bi	}													
		-	-	9.	107	-0.64	Reduction in Impact	12,500	14,559	13,794	13,335	0.94	0.91	6.0	Not Significant - bolow 5%
NW 117 Avenue	NW 58 51 to NW 41 51			133	1.25	10.01	Reduction in Impact	9,218	14,500	11,671	11,553	07.0	0,79	10,0.	Not Significant - balow 5%
	MW 41 St to HW 25 ST	ZCU		;											
			_		OF C	699	Not Stanffeant - below 5%	111,978	103,600	16,933	19,417	0.84	0.86	20.0	Not Significant - below 5%
보고	MN 41 St to MN 12 51	9		Br'o	0.90	2005	7. post 2 00   Post 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	1	144.300	117,701	124,928	0.62	0.87	0.05	Ments Adopted LOS Standard
	5R 538 to SW 8 St	Q.8	a	97.0	0.84	0.03	Most Adopted Co. Santana	4	117 690	135.404	144,594	0.75	0.79	0,045	Meats LOS with Planned Imp.
	SW 8 51 to SW 40 51	10LD	Q	(77	1.29	0.07	the second of th	1							
							20 19 19 19 19 19 19 19 19 19 19 19 19 19	10 to	00 P F	14.981	15,528	1.03	1,05	9.04	Not Significant - below 5%
NY 122 Avenue	HW 41 St to HW 25 St	ZI'I	٥	1.24	1.28	6.05	A TELEGRAPH SHARE SHARE SHARE	_	14 800	4.473	4332	0,30	0.30	-0.01	Hot Significant - below 5%
	NY 6 St to Walsh Shd	200		0,48	0.47	-0.01	Hedredon in Impaci	4	021 02	18 827	. O. 534	0.43	0.52	0.03	Meats Adopted LOS Standard
	SW 8 St to SW 10 St	9	120% of E	1,16	123	0,07	See reference celand adopted LUS	_	23,160			25 0	0.10	0.03	Masta Adopted LOS Standard
	SW 10 St to SW 18 St	\$	120% of E	57.0	0.36	10.0	Sea cakulations wing adopted LOS		39,460	411,22	200,23		1 0 67	YU U	Mante Adopted LOS Standard
	SW 18 St to 5W 26 St	97	120% of E	6,45	0.91	90'0	See calculations using adopted LOS	24.914	39,480	251,12	64,343				
		-	╀												brandard Of Standard
ANY ST7 Avenue	May 12 St to SW & St	210	120% of E	1,21	1.54	0.25	See cattulations using adopted LOS	11,522	18,720	15,120	18,021	• ·	egin		The Advantage of the Characterial
***************************************	ew ress eweres	017	$\downarrow$	0.62	0.95	0,14	Meets LOS Standard	23,608	31,100	19,241	22,477	0,62	21.0	2.3	שפפוז אמפאומין דיין ליקוומיויי
	12.00 110		_												
			_	F	1.25	11.0.	Reduction in impact	51,278	49,300	71,470	65,631	1,45	1,33	-0,12	Not Significant - below 5%
MN 137 Avenue	SK 816 to SM # St		_		132	-0.12	Reduction in Impact	49,370	49,300	71,054	65,235	1.44	1,12	-0.12	Hot Significant - balow 5%
	SW & SCID SM & SC	3	_						111111111111111111111111111111111111111						
	TO SELECTION OF SE	C P		1,00	1.00	00'0	Not Significant - below 5%	32,956	31,100	33,058	12,917	1.86	1,05	0.00	Not Significant - below 5%
SW 357 Avenue	The State of the State		_										2.	007 CDMP An	2007 CDMP Amendment Application No. 3 March 2006

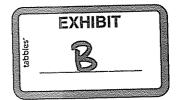
Table B . Roadways of Concern Highlighted by Miami-Dade County

Adopted   Barra   Status   S			2015	2015	Z015 Model	2015 Model	% Change	Significance	Sagment	Segment Capacity	Z015 Model	2015 Model		TO THE PROPERTY OF THE PARTY OF		***************************************
WIND 17 And to MIN 27 And         LOS         WIGHT AND TO MIN 27 And to		Segment Limits	Lames	Adopted	Base Scenario	ĸ	Bass vs.	Status	Capacity	from FDOT Tables	Bare Scenario Valumes	Scenario 3	Capacities	Capacities	Scanario 3	STATES.
Not 2 Are to NVI 12 Are to N	ĺ		9	105	NIC A		Scenario 3	See quitulations uning adopted LOT	24,914	31,100	10,997	32,478	1,00	1,04	0.048	Not Significant - below 5%
WASTAND BAND STAND   ALCOHOLOUR   WASTERDING BAND STAND BAND BAND BAND BAND BAND BAND BAND B		NY 81 WAG (3 WI) 37 WAS	9	3				VI	71076	31 100	78 547	29 654	0.92	0.95	0.036	Not Significant - below 5%
HEFT IN NV 12 Ave   4.0   1289, of   1.215   1.24   0.033   Het Significant, below 55,   14,140   14,150   4,155   1,154   1.15   1.1		INY 92 Ave to ANY 97 Ave	97	۵	1.15	\$1:1	0.04	Rol Significant - Baldw 37a	41,2,4	24.17						
STRING DENNY 17 Are to DENNY		HEFT to NW 122 Ave	972	٥	1.3226	(,1725	0.0499	Not Significant - below 5%	12,500	14,500	16,532	17,156	1.13	217	0.04	Not Significant - below 5%
WW 21 Ave to FWY 57 Ave   ALC   1237 at   1.24   2.01   First Significant below 57.    34,244   24,245   44,100   1,14   1,24																
Str 288 b WH of Face   4LD   135% of E-10P   0.81   0.81   0.823   Secretariors   14,444   19,446   18,749   18,749   17,749	_	MY 57 Ave to MY 97 Ave	40	120% of E	153	PC'1	0.03	Not Significent - below 5%	34,348	39,480	45,165	46,103	1,14	1.17	0.02	Not Significant - below 5%
Strate bit M 17 Ave to M 17								Mary Company	14.148	987 6E	28.225	29,393	0.71	0,74	0,030	Not Significant - bolom 5%
WY B Tave Le INV STAND         1170         1,171         0,053         Severation in the properties of state and sta	_	SR 826 to MW 47 Ava	ð	125% of E - 1DP	28.0	0.56	70.0	tiel alignment and a series		20 / 60	135 07	297 495	1.027	1.076	0.049	Not Significant - below 5%
WY 91 Court to WY 17 Ave to FWY 97 Court         4LD         1,022         1,032         0,033         Severtountion wing separated OS         33,416         33,416         34,416         34,416         34,141         37,571         0,313         0,313           WW 91 Court to WW 17 Ave at Children and Appeid LOS Standard         11,014         0,430         0,431         <		INV 87 Ave to PM 97 Ave	3	170% of E - 1 DP	1,120	1.173	0,051	See calculations geing adopted LUS	36,218	79*86	*05'05		2000	100	0 000	Not Statificant - below 5%
MRY 35 Count to MRY 107 Ave         4LD         1504 G 130 G 140         0.056         Neves clusted to MRY 107 Ave         15,111         49,100         35,141         37,571         0.33         0.43           MRY 107 Ave to Project         6LD         E-TDP         0.46         0.46         0.66         Meets Adopted LOS Standard         51,371         49,300         23,445         34,241         0.40           Project to MRY 117 Ave to Dolphin Mall         6LD         E-TDP         0.51         0.59         Meets Adopted LOS Standard         51,371         49,300         23,445         3,544         0.60           Project to MRY 117 Ave to Dolphin Mall         6LD         E-TDP         0.51         0.59         0.69         Meets Adopted LOS Standard         51,371         49,300         23,445         3,571         0.51           Dolphin Mall to MET         6LD         E-TDP         0.51         0.53         0.69         Meets Adopted LOS Standard         51,371         49,300         28,31         3,711         0,51           Dolphin Mall to MET         6LD         E-TDP         0.51         0.53         0.69         Meets Adopted LOS Standard         51,371         49,300         28,41         3,71         3,71         3,71         3,71         3,71		INY 97 Ave to INY 98 Court	410	120% of E - TOP	1.002	1,055	0.053	See exiculations using adopted LOS	35,218	39,480	36,276	18,206	EIE's	Bar'n	1,000	State Adented I Of Standard
HW 101 Ave to HEFT   6LD   E-TDP   0.319   0.35   0.25   Heets Adopted LOS Standard   51,974   49,300   23,744   0.50   0.50   10.0   1.		RW 98 Court to NW 107 Ave	ļ	120% at E - TDP	0.987	1,042	0,056	See calculations uning adopted LOS	35,218	39,480	35,741	31,157	6.53	BR'h	in's	Parkacia 201 belegan acom
Propertie NW 11 Ave to Dolphin Mail G EL G E-10P		HIY 107 Ays to Project	99	£ . TDP	0.60	9970	90.0	Meets Adopted LOS Standard	51,978	49,300	11,094	34,228	0.63	69'0	60'0	Rests Acopted Los Statusto
Mareta Adopted LOS Standard   51,971   44,300   24,291   30,774   0,43   0,59   Mareta Adopted LOS Standard   51,971   49,700   24,714   0,43   0,54   0,69   Mareta Adopted LOS Standard   51,971   44,300   24,714   1,372   0,54   0		Profect to 10% 111 Ave	919	£-10P	0.57	0.70	0.13	Meets Adopted LOS Standard	51,975	49,300	29,745	35,244	0.60	0.74	0.13	racets Adopted COS Standard
Strate to MN 17 Ave   LiD   D		137 111 Ave to Dolohin Half	-	£-70P	0.51	0.59	60.09	Meets Adopted LOS Standard	51,978	49,300	16,291	30,778	0,53	0.62	0,03	Meats Adopted LOS Standard
SR 124 to NW 47 Ave         1LD         D         0.71         0.73         Rot Significant - bolow 574         114,376         144,360         80,007         80,017         0.40         0.50         Rot Significant - bolow 574         114,376         144,360         80,007         80,013         0.23         0.74         0.74		Dolphin Mall to HEFT	4	E-10P	0,55	0,54	6.09	Meets Adopted LOS Standard	51,978	49,360	25,768	32,22	0.58	0.68	0.03	Meets Adopted LOS Standard
SR 128 to NW 17 Ave         LD         D         0.71         0.73         0.03         Not Significant. bolow St.         11,578         144,350         80,007         0.5466         0.55           NW 17 Ave to NW 17 Ave																
WY 87 Ave to FW 107 Ave         8LD         D         0.10         0.20         Not Significant below 5%         150487         144,300         194,849         164,218         61,218         0.13           NW 107 Ave to FEFT         8LD         D         0.93         1.06         0.11         \$**** sacicalment wing stepted US**         \$1,419         14,130         18,218         99,451         0.12           SR 22E to FW 17 Ave         6LD         1.20         0.04         Not Significant below 5%         30,344         \$1,160         65,743         65,992         61,072         1.03           SR 22E to FW 17 Ave         6LD         1.20         0.071         8*** statistical Labora 5%         51,873         \$1,160         65,592         61,072         1.03           HEFT to SW 127 Ave         6LD         D         1,146         1,250         0.071         8*** statistical Labora 5%         51,876         \$1,289         65,594         65,594         65,594         65,594         65,594         65,594         65,594         65,594         65,594         65,594         65,594         65,594         65,594         65,594         65,594         65,594         65,594         65,794         65,794         65,794         65,794         65,794         65,794		SR 826 to MW 87 Ave	110	0	0.71	0.75	0,03	Not Significant - bolow 5%	111,978	144,350	100,001	53,465	95'0	0.58	0.03	Not Significant - bolow 5%
NW 107 Ave to HEFT         6LD         D         0.935         1.08         0.11         Seve carcutalment uning stepted USS         91,419         14,100         18,218         99,451         0.62           SR 22E to NW 75 Ave         6LD         120% of E         1.28         1.30         0.04         Not Significant - bolow 5%         50,544         61,160         65,742         65,992         1.03           SR 12E to SW 12 Ave         6LD         120% of E         1.25         0.071         Sev extratablent using stepted US         51,978         61,723         65,504         1.05           HEFT to SW 127 Ave         6LD         D         1,146         1.26         0.071         Sev extratablent using stepted US         51,978         61,723         65,504         0.07           SW 122 Ave to SW 127 Ave         6LD         D         1,044         1,072         0.044         Not Significant - below 5%         51,878         61,200         65,738         0.071         Sev extratablent using stepted US         51,878         61,200         61,728         6.071         1.072         0.044         Not Significant - below 5%         51,878         51,878         51,878         51,789         51,778         61,778         1.01         1.01         1.044         1.072		NVI 87 Ave to MV 107 Ave	81.0	0	0,60	0.80	00'0	Not Significant - balow 5%	130,467	144,300	104,649	104,952	0,73	6,73	0.00	Not Significant - below 5%
SR 125 to NW 73 Ave         6LD         120% of E         1.20         0.04         Not Significant - below 5%         50,544         67,160         63,740         65,902         1.03           SR 126 to SW 12 Ave         6LD         1.03 to SW 12 Ave         6LD         1.03 to SW 12 Ave         61,976         65,976         65,992         64,072         1.06           HEFT to SW 122 Ave         6LD         D         1,044         1,024         0,037         64 to Significant - below 5%         51,376         61,726         65,992         64,072         1.06           SW 122 Ave to SW 127		NW 107 Ave to HEFT	2	a	0.95	1.06	9.11	See calculations using adopted LOS	93,489	144,300	69,238	191'88	0.62	89.0	20'0	Meets Adopted LOS Standard
SR 272 to NW 73 Ave         8LD         1.25         1.10         0.04         Not Significant - below 5%         51,576         67,160         63,740         63,902         1.03           SR 226 to NW 73 Ave         6LD         1.25         1.31         0.04         Not Significant - below 5%         51,976         67,160         65,992         84,072         1.06           HEFT to SW 122 Ave         8LD         0         1,186         1,250         0,073         6x excitablent wing adopted COS         51,376         67,180         67,180         65,902         8.031           SW 122 Ave to SW 127 Ave to SW 127 Ave         8LD         D         1,044         1,092         0,048         Not Significant - below 5%         51,378         67,180         67,186         65,904         0.91			_													Mark Chandlesson . hallow \$10
6LD         127         (.31         0.04         Not Significant - below 5%         51,974         62,160         65,922         64,072         1.06           8LD         D         1,186         1,280         0,073         See extractablest uning stepted US         51,976         61,724         65,582         4,53           8LD         D         1,186         0,073         See extractablest uning stepted US         51,976         61,724         65,582         4,53           8LD         D         1,044         1,092         0,043         Not Significant - below 5%         51,876         51,878         55,775         1,01	ī	5R 826 to NW 79 Ava	9	120% of E	1,25	1.30	0.04	Not Significant - below 5%	\$0,544	62,160	63,740	65,902	1.03	1.06	6.63	מסן פולשוות בשנו משופה פול
6LD 120%-01: 1,186 1,280 0,073 Secreticalities using stopication 51,870 61,728 65,508 0,91 (1.0 0 1,186 1,002 0,044 Not Significant-below 5% 51,878 51,870 54,789 55,775 1,01							200	Mat Streetfreet - balan 9%	51.975	62.160	65,992	61,072	1.05	1,10	0.033	Not Significant - below 5%
6LD D 1,186 1,250 0,044 Not Significant-below 5% 51,778 51,570 54,289 55,775 1,01		SR 828 to SW 62 Ave	2	120% of E	3,41	5	10.2	TO THE PROPERTY OF THE PARTY OF		253 4.4	21.718	84.48	191	280	0.056	Heets Adopted LOS Standard
6LD D 1,044 1,092 0,044 Not Signiffeent- below 5% 51,876 54,789 35,772 1,51		HEFT to SW 112 Ave	ē	a	1,188	1,250	0.073	See calculations using adopted LUS	9/8'16	97,50	571'16	746	}		2700	Unit Chariffeed . halow 5%
		SW 122 Ave to SW 127 Ave	03	۵	1,044	1,092	0.045	Not Significant - below 5%	51,978	51,590	54,289	55,775	15.1	90"	0.049	so como aspassinas con
			_													

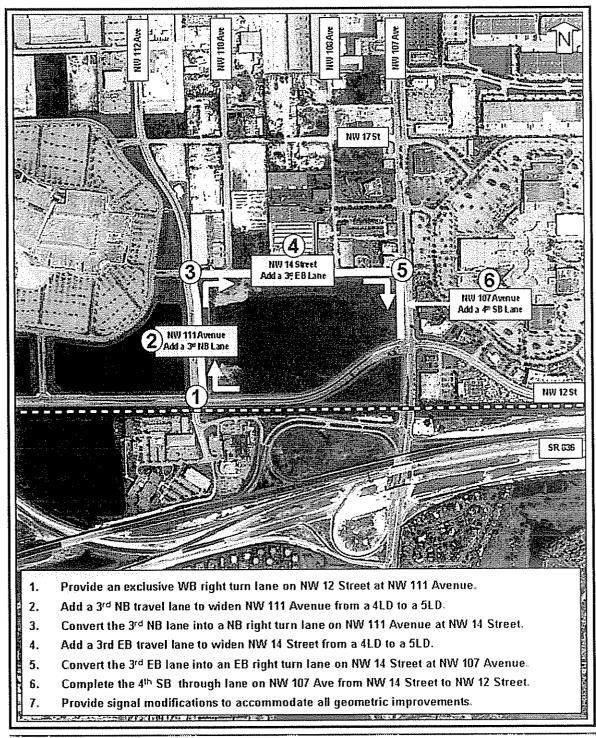
Table B . Roadways of Concern Highlighted by Miamil-Dade County

Age   Base Sermin   Age   A							í	400000000000000000000000000000000000000	Camerat	Sacment Capacity	2015 Model	2015 Model	Baso VIC	Scenario 3 VIC	% Change	Significance
Symposition (bins)         Corp. (bins)         Sharest (bins)         Temple of the control of the contro			2015	2015	2015 Model	Z015 Madel	74 Change		111000000	from CDOT Tobles	Rese Scanario	Sessardo 3	Using FD0T	Using FDOT	Bern vr.	Status
With Stills		Segment Limits	- Canas	Adopted	Base Scenario	Scenario J	Scenario 4	5176175	from Madel	-th 10\$ Adjutments	Yolumes	Volumes	Capacitius	Capacilles	Scenario 5	Mas Chariffered - being 5%
WIND STREENWESTERS   LEG   L		NW 25 St to SR 836	610	120% of E	1.461	1.511	0.050	See calcutations using adopted LOS	51,978	59,160	75,936	78,546	1.26	3	0.04	
	1							SO ) Pallage major and telephone of	11 522	16.350	15,867	16,638	696'0	1.016	0,047	Hol Significant - below 5%
WHY 35 IN WHY 18 IN WHY		HW 58 St to HW 52 St	2,0	E - TDP	5	17.	10,0	San Conflicant - halow 59.	21 914	32.906	23,164	24,019	0.70	0.73	0.03	Not Significant - below 5%
NW 12 S1 to NW 12 S1         4.D         E-TOP         0.534         0.534         0.544         Not Significant - below 5%         1,255         1,259         0.544         0.549         0.544         Not Significant - below 5%         1,255         1,250         0.514         0.514         0.514         0.514         0.544         0.544         Not Significant - below 5%         1,255         1,250         1,69         0.57         0.544         Not Significant - below 5%         1,256         1,50         1,61         0.544         0.544         Not Significant - below 5%         1,157         0.510         1,61         0.57         0.544         0.544         Not Significant - below 5%         1,157         0.510         1,167         0.521         0.544         0.544         Not Significant - below 5%         1,177         1,167         0.547         0.544<		NW 52 S1 to MW 41 S1	\$	E-10P	0.93	0.20	ra'n	Mar Chantifernt - Soine Co.	23.604	19.480	22.22	11,152	0.56	0.59	0.02	Not Significant - below 5%
MAY 12 B to MAY 51         4 LD         E - 10F         0.531         0.542         MAY 12 B to MAY 51         1,150         0.542         MAY 12 B to MAY 51         1,150         0.542         MAY 12 B to MAY 52 B to MA	i Ì	NW 25 51 to NW 12 5t	410	170% of E	0.94	96.0	0.04	Not Stanificant a ballow 5%	32.955	32,900	29,602	30,184	0.50	0,92	20.0	Hot Significant - below 5%
NAT STEEL WAY 155   6.15   1.27   1.22   0.02   Not Significant. below 5%   1.51   1.52   0.02   Not Significant. below 5%   1.52   1		NAY 12 St to MAY 7 St	9	E-TOP	05.0	1350	0.048	Not Significant - below 5%	32,956	32,900	30,283	31,469	0.92	26.0	0.048	Not Significant - below 5%
WY 15 ST 10 W 14 ST 10 W 15 ST 1	- 1	ANY / St CO Fragility St														
MW 155 to MW 1	l			100.		1 33	0.62	Hol Stanffcant - below 5%	51,978	59,160	62,551	63,550	1.05	1.07	0,02	Not Significant - below 5%
MM	- 1	NW 25 51 to RW 14 51	3	3 to 4/07?	1771	: 3	10.01	Reduction in impact	51,978	59,160	58,839	57,760	6.99	0.98	-0.02	Not Significant - below 5%
NW   12 (to SR 434   120		NW 14 St to NW 12 St	n,	3 ID 42.071	61.1		****	To the latter and an in the latter latter	11.078	78.048	72.000	78,000	0.91	66'0	0.08	Meets Adopted LOS Standard
SR 334 to NW 75 ST OW Figure         1.00         0.01         Not Significant below 5%         51,873         1,2330         1,2330         1,2310         1,2310         1,2310         1,2310         1,2310         1,2310         1,2310         1,2310         1,2310         1,2310         1,2310         0,211         0,021         0,021         0,021         0,021         0,021         0,021         0,021         1,2310         11,310         11,320         11,310         11,320         11,310         11,320         11,310         11,320         0,131         0,031         0,031         0,031         0,031         0,031         0,031         0,031         0,031         0,031         11,310         11,310         11,450         11,450         0,131         0,031         0	ì	WW 12 St to SR 836	<b>3</b>	120% of E	1.39	8	0,12	contract from the contract of	715,12	200		1, 2,0	80.	163	900	Not Stonfficant - below 5%
No.   State   No.   No.   No.   State   No.   No.   State   No.   State   No.   No	1	SR 338 to HW 7 St	97.0	120% of E	1,40	1.40	10.0	Not Significant - below 5%	51,978	72,520	72,685	010,61	00'4	3		Table of the State
SR 515 to SW 55 II         81D         D         G.73         0.64         0.05         Moets Adopted LOS Standard         144,300         117,701         134,236         0.41         0.61         0.05           SW 5 GLo SW 40 St.         41D         D         1.22         1.23         0.07         5++ edicultion unity stepted LOS         17,104         144,634         0.13         0.01         0.045           MW 41 St to SW 40 St.         1.0D         1.24         1.23         0.07         5++ edicultion unity stepted LOS         17,104         14,940         14,460         14,460         14,31         0.04         0.04           SW 9 St to SW 10 St         6.0D         1.23         0.07         5++ edicultion unity stepted LOS         24,914         59,180         21,174         21,483         0.45         0.50         0.04           SW 16 St to SW 10 St         4.0D         1.20% of SW 10 St         0.03         5++ edicultion unity stepted LOS         24,914         37,174         21,483         0.45         0.50         0.04           SW 16 St to SW 16 St         4.0D         1.20% of SW 10 St to SW 16 St         0.03         5++ edicultion unity stepted LOS         14,914         37,174         21,413         0.54         0.54         0.50           <	1	AW 7 St to W. Flagler	93	120% of E	0.82	0.65	20'0	Not Significant - balow 5%	51,978	62,160	42,505	41,951	0.69	0.0	70.0	del algunation and a second
State   Stat	1															
No.   1	i	SR 836 to SW 8 St	91	0	0.79	0.84	0.05	Meets Adopted LOS Standerd	149,087	144,300	117,701	124,928	5,62	0.87	0.65	Meets Adopted LUS Standard
HW   STO   HW   STO	ł	SW 8 St to SW 40 St	10.0	o	1,72	67')	0.07	See calculations traing Plenned Emp.	111,978	117,600	136,404	144,694	0.75	67.0	0.045	Meets LOS with Planned Imp.
	1													200	500	Est Spoilfeant - below 5%
SW 10 St Lo SW 10 St         6LD         120% of E         1,18         1,23         0,07         See electrolision unipatiopted DS         24,914         19,180         10,234         0,48         0,54         0,59           SW 10 St Lo SW 15 St         4LD         120% of E         0,18         0,36         0,07         See electrolision unipatiopted DS         14,914         13,114         21,115         0,14         0,54         0,57         0,04           SW 11 St Lo SW 15 St         4LD         120% of E         0,18         0,36         5 see electrolision unipatiopted DS         14,914         21,110         22,643         0,34         0,57         0,04           NW 12 St Lo SW 15 St         1LD         120% of E         1,13         1,25         0,23         5 see electrolision unipatiopted DS         1,152         18,72         18,72         0,14         0,14         0,15 <td>1</td> <td>HW 41 St to HW Z5 SI</td> <td>202</td> <td>D</td> <td>1,24</td> <td>1.28</td> <td>0.05</td> <td>See cattuinitiens using adepted 105</td> <td>12,108</td> <td>14,600</td> <td>14,961</td> <td>13,348</td> <td>7.</td> <td>3</td> <td>;</td> <td>hydred 100 Charles</td>	1	HW 41 St to HW Z5 SI	202	D	1,24	1.28	0.05	See cattuinitiens using adepted 105	12,108	14,600	14,961	13,348	7.	3	;	hydred 100 Charles
SW 10 S10 SW 18 St         4LD         120% of E         0.89         0.67         Severiculation unity stephed LDS         74,914         39,410         72,174         21,415         0.56         0.60         0.04           SW 10 S10 SW 18 St         4LD         120% of E         0.85         0.91         0.06         Severicularian unity stephed LDS         74,914         39,410         71,110         22,443         0.34         0.57         0.04           NW 12 S10 SW 18 St         1.0         1.20% of E         1.3         1.35         0.23         Severicularian unity stephed LDS         11,220         15,120         11,021         0.41         0.45         0.15         0.15         0.15           NW 12 S10 SW 18 St         2LD         0.32         Severicularian unity stephed LDS         11,220         15,120         11,021         0.41         0.45         0.15         0.15         0.15	- 1	SWASILESWIOSE	910	120% of E	1.16	1,23	0.07	See calculations using adopted LOS	24,914	59,160	78,622	30,534	0,43	0.32	0,03	(Legal) Acquired Lou Summers
State   Stat	1	CON 10 CH 19 CW 18 St		120% of E	58'0	0.95	10.0	See calculations vaing adopted LOS	74,914	39,480	27,174	21,885	6.56	09'0	0.04	Meets Adopted LOS Standerd
NW 17 51 to 579 6 5 to 1.31 1.35 0.23 Severtectation only avepted US 11,522 14,720 15,120 14,021 0.41 0.45 0.15 CONSTRUCTION ONLY 15 TO 1.41 0.42 0.42 0.44 Metals LOS Standard 23,667 11,100 19,247 0.42 0.72 0.10	- 1	SW 11 St to SW 26 St	100	120% of E	0.85	160	0.08	See calculations using adopted LOS	74,914	39,480	21,130	22,643	0.54	0.57	0.04	Ments Adopted LOS Standard
NW 17 51 to 579 8 5 t	1															
SUM SET 4LD D 0.82 0.95 0.14 Metet LOS Standard 23,604 11,109 19,241 22,477 0.67 0.72 0.10	- 1		มห	120% of E	1,31	1,38	0.75	See calculations uning adopted LOS	11,522	18,720	15,120	11,021	9.81	0.96	0.15	Meets Adopted LOS Standard
	. 1		019	G	0.82	0.95	0.14	Maels LOS Standard	23,668	31,100	19,241	22,477	0.62	0.72	0,10	Reets Adopted LOS Standard

## Exhibit "B"



#### Roadway Improvements



Legend

54 196 Acre Amendment Site



Business and Office – 54 196 acres With a RAC Overlay Designation Figure 8 Proposed Infrastructure Improvements Dolphin Station September 2007





### BERCOW RADELL & FERNANDEZ ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: (305) 377-8690 E-Mail: mgll@brzoninglaw.com

#### VIA HAND DELIVERY AND EMAIL

February 1, 2008

Mr. Ivan Rodriguez Miami-Dade County Public Schools 1450 NE Second Avenue, 5th Floor Miami, Florida 33132

Re: Anthony Balzebre Trust, Application No. 3, April 2007 CDMP Amendment Cycle -- Covenant.

Dear Ivan:

As you know, we represent the above-referenced applicant Enclosed please find an executed Declaration of Restrictions in favor of the School Board of Miami-Dade County, which provides that the applicant will voluntarily contribute funds to the School Board equal to \$3,283,434 in order to help meet the future public schools needs generated by the application. The applicant requests that the attached covenant be placed on the March 12, 2008 School Board agenda for acceptance of the covenant by the School Board members. Should you have any questions or require additional information, please do not hesitate to phone or email me

Sincerely yours,

Michael Il

Michael A. Gil

#### Enclosures

cc: Ms Vivian Villaamil

Mr. Robert Balzebre
Mr. Steven Nostrand
Mr. Rob Curtis
Jeffrey Bercow, Esq.
Michael W. Larkin, Esq.

This instrument was prepared under the supervision of:

Name:

Michael W Larkin, Esq.

Address:

Bercow Radell & Fernandez, PA 200 South Biscayne Boulevard

Suite 850

Miami, FL 33131

(Space Reserved for Clerk of the Court)

## DECLARATION OF RESTRICTIONS IN FAVOR OF THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

WHEREAS, the undersigned Owner holds the fee simple title to that certain parcel of land located in unincorporated Miami-Dade County, Florida (the "Property"), which is legally described in Exhibit "A" to this Declaration; and

WHEREAS, the Property is the subject of a standard Comprehensive Development Master Plan ("CDMP") Amendment Application No. 3 of the April 2007 Amendment Cycle, which seeks an amendment to change the designation of the Property from "Industrial and Office" and "Business and Office" to "Business and Office" and an amendment to the Land Use Plan Map and a text amendment to the Land Use Element of the CDMP to designate the Property as a Regional Activity Center in accordance with relevant Florida Statutes and provisions of the CDMP to permit the development of a mixed-use residential community on the Property; and

WHEREAS, the Owner desires to help mitigate the future public school needs generated by the Application; and

WHEREAS, the School Board of Miami-Dade County ("School Board") has developed criteria by which to calculate the amount of the contribution necessary for the Applicant to mitigate such impacts based on the estimated amount of the educational facilities impact fees to be paid by the Applicant (the "Estimated Impact Fees") pursuant to Section 33K of the Miami-Dade County Code of Ordinances (estimated by School Board for purposes of this Declaration at \$1,622,250 and the actual cost of providing additional student stations generated by the Applicant); and

NOW, THEREFORE, IN ORDER TO ASSURE the School Board, that the representations made by the Owner during the consideration of the Application will be abided by, the Owner freely, voluntarily, and without duress makes the following Declaration of Restrictions covering and running with the Property:

1. <u>Monetary School Contribution</u>. In order to help meet the future public schools needs generated by the Application, the Owner agrees to voluntarily contribute funds to the School Board equal to \$3,283,434 (the "Contribution"), based on the proposed density of 1,050 residential dwelling units, which figure includes 0 units permitted under the current zoning on the Property. The Contribution shall be subject to the Final Approval of the Application. The School Board will utilize the Contribution for capital educational improvements providing relief for Eugenia B. Thomas Elementary and Doral Middle School. The Contribution shall be paid in one (1) payment becoming due and payable prior to the final plat approval for the subject development

In the event that the Community Zoning Appeals Board, the Board of County Commissioners, or the Miami-Dade County Plat Committee approves fewer than the

requested density of 1,050 dwelling units, the amount of the Contribution shall be prorated and adjusted downward for the reduced number of students at the elementary and middle school levels, as calculated by the School District. Furthermore, if, prior to building permit approval, the estimated amount of the educational facilities impact fees to be paid by the Owner changes based on either (i) the approval by Miami-Dade County Commission and School Board of an increase in the amount of the educational facilities impact fee that will be assessed against the future development of the Property pursuant to Chapter 33K of the Miami-Dade County Code of Ordinances and related Interlocal Agreements or (ii) an increase in the amount of the square footage of the condominiums proposed for the subject development, as depicted on a site plan, over the estimated square footage of the condominiums (1,050 square feet) used by School Board in calculating the Estimated Impact Fee, then the Contribution shall be adjusted accordingly by the School District

#### 2. Wiscellaneous.

A. <u>Covenant Running with the Land/Release</u> This Declaration on the part of the Owner shall constitute a covenant running with the land and shall be recorded by the Owner, at the Owner's expense, in the public records of Miami-Dade County, Florida, and shall remain in full force and effect and be binding upon the undersigned Owner and its heirs, successors, and assigns until such time as the same is modified or released with the approval of the School Board. 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, provided, however, upon payment of the Contribution and request by the Owner, the Superintendent of Schools or his/her designee shall release this Declaration by forthwith executing a written instrument in recordable form effectuating and acknowledging such release.

- B. <u>Term.</u> This Declaration shall 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 is recorded. After which time, it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the then owner(s) of the Property has been recorded agreeing to change the Declaration in whole, or in part, provided that the Declaration has first been modified or released by the School Board.
- C. <u>Modification</u>, <u>Amendment</u>, <u>Release</u> 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 all of the Property covered under the modification, amendment, or release, including joinders of all mortgagees, if any, provided that the modification, amendment, or release is also approved by the School Board after public hearing.
- D. <u>Enforcement</u> 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. <u>Election of Remedies</u>. 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. <u>Severability</u> 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 shall be filed of record by the Owner in the public records of Miami-Dade County, Florida, at the cost of the Owner, and shall become effective following the adoption by the Miami-Dade County Board of County Commissioners of a resolution approving the Application and the expiration of any applicable filing periods without an appeal having been filed (the "Final Approval"). Upon recordation, the Owner shall provide a copy of the recorded Declaration to the School Board.

[Signature Page(s) Follow]

IN WITNESS WHEREOF, we have h	ereunto set our hands and seals this <u>v2**</u>
WITNESSES: Signature  Susan Gordon - Print Name Signature	By: Robert P. Balzebre  Title: Manager
Print Name	
STATE OF FLORIDA ) ) SS COUNTY OF MIAMI-DADE )	
Avenue Gamma LLC, who is person	knowledged before me this 12 <sup>Th</sup> day of the P. Balzebre, as Manager of the 107 <sup>th</sup> onally known to me or has produced entification, and acknowledged that he did by for the purposes stated herein
My Commission Expires	Notary Public, State of FummA
Notary Public State of Florida Vernon D Martin My Commission DD594817 Explres 10/04/2010	VERNON D. MARTIN Print Name

# Exhibit "A"

# Legal Description

The South 1/2 of the South 1/2 of the East 2/5 of Section 31, Township 53 South, Range 40 East of Miami-Dade County, Florida; Less existing Right of Way of Records.

#### Michael Gil

From: De Diego, Jacqueline (MDFR) [jacqueline dediego@miamidade gov]

Sent: Thursday, September 13, 2007 3:42 PM

To: Moore, Patrick (DP&Z)

Cc: Michael Gil

Subject: CDMP 2007 Cycle Revised comments to application 3

Attachments: Revised application 3 xls

#### Patrick.

Based on the covenant for the proposed potential development and the revised current potential development for the above subject matter, below our revised figures.

Please note that estimated completion for Station 68 is FY 2007-2008.

**Application No. 3** is currently served by the Miami-Dade Fire Rescue Station 29, Sweetwater, located at 351 SW 107 Avenue, equipped with a 50' Squrt ALS and a Rescue unit and permanently staffed by seven (7) firefighters/paramedics. Planned Station 68, Dolphin, is programmed for construction in the vicinity of NW 112 Avenue and 17 Street and is planned for completion in fiscal year 2007-2008

Average travel time to incidents in the vicinity of *Application No.* 3 is approximately 6:04 minutes. Travel time for Life Threatening Emergencies is approximately 5:12 minutes. In 2006, there was no structure fire alarm in the vicinity of the subject property. The current CDMP designation (Industrial and Office and Business and Office) will allow a potential development which will generate a total of 138.34 352.30 annual alarms. The proposed CDMP designation (Business and Office; Regional Activity Center) will allow a proposed potential development which is anticipated to generate 892.35 701.47 annual alarms. This will have a severe impact to existing fire rescue services which will be mitigate upon completion of planned Station 68.

<<Revised application 3 xls>>

Thank you

Jacqueline De Diego,

**Planning Section Supervisor** 

Miami-Dade Fire Rescue

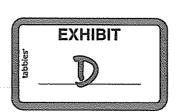
9300 NW 41st Street, Doral, Florida 33178

786-331-4542 - Direct Phone

786-331-4540 - Main Phone

786-331-5259 - Fax number

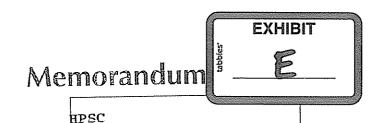
jdiego@miamidade.gov



# www.miamidade.gov

# "Delivering Excellence Every Day"

Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure. All E-mail sent and received is captured by our servers and kept as a public record.



Agenda Item No:

7(C)

Date: March 13, 2008

To: Honorable Chairman Bruno A. Barreiro

and Members, Board of County Commissioners

From: Sede M. Burgessa

Subject: Miami-Dade County Fire Rescue Department Current Financial Conditions, Future Fiscal

Challenges, and Impact of Municipalities Opting Out of the Fire District

### <u>Background</u>

There has been much discussion over the past few months regarding the future of the Miami-Dade Fire Rescue Department Due to the fiscal challenges created by recent property tax initiatives, the approval by voters of the constitutional amendment for property tax, and the potential of high property value municipalities opting out of the Fire District, we have been analyzing the revenue structure of the district, the department's capital program, and actions that may be taken in response to changes in district boundaries. This report gives a brief summary of the creation of the Miami-Dade County Fire Rescue Department (MDFR); outlines the funding mechanisms, current financial conditions, and future fiscal challenges of the District; and provides relevant information concerning municipalities that have expressed a desire to opt out of the District and seek fire and rescue services from other fire departments on a contract basis.

# Creation of the Miami-Dade County Fire Rescue Department

Mlami-Dade Fire Rescue (MDFR) originated as a single-unit fire patrol in 1935 and has grown into the largest fire-rescue department in the Southeast and among the top ten largest in the nation. With a response territory of 1,883 square miles and a resident population of more than 1.7 million, MDFR responds to more than 229,000 calls for assistance annually, making it one of the busiest departments in the nation. More than 2,550 employees staff 129 front-line units throughout 64 fire rescue stations and several administrative facilities provide services to residents, businesses and visitors 24 hours a day, 7 days a week, 365 days a year In addition to providing transport services through 50 front-line rescue units, MDFR has more specialized response units than any other fire-rescue department in the southeastern United States. The department provides air-rescue transport via two full-time helicopters and airport rescue firefighting, and has dedicated units for marine services (shipboard firefighting and dive rescue), motorcycle emergency response, ocean rescue, technical rescue (vehicle extrication and confined-space rescue), hazardous materials mitigation, and urban search and rescue. The department also maintains the Florida Antivenin Bank and provides inspections and code enforcement services.

Beginning in 1968 with the cities of Virginia Gardens and Florida City, municipal fire departments began merging into the County department. Between 1968 and 1978, 15 city fire departments merged into the County department and only Hialeah, Coral Gables, Miami Beach, and the City of Miami continued to provide fire and rescue services on a municipal level

After the mergers, Miami-Dade County was confronted with the issue of providing fire and rescue services from countywide general fund tax dollars while some cities continued to provide services from their own funds. The solution was creation of the Fire Rescue District that was approved by the voters in 1980 and subsequently established by the Board of County Commissioners, under their authority according to Section 1.01(11) of the Home Rule Charter, via Ordinance 80-86.

One new municipal fire department has been developed in Miami-Dade County since creation of the District. The Village of Key Biscayne formed its own department after incorporation and contracts with the City of Miami for automatic aid. MDFR continues to provide service on the island from Station 15 for the unincorporated parts of the Key and Crandon Park.

Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners Page 2

# Miami-Dade Fire Rescue District Budget

The District depends primarily on fire rescue district property taxes. Property taxes are a dependable and predictable revenue source, are easily collected, can be considered somewhat progressive with the wealthy typically paying more. Property taxes are generated by collecting a uniform tax rate (2 2067 dollars per \$1000 in the District for FY 2007-08) on the value of each property from the owner. Individual property owners pay property taxes to the County based upon taxable value.

Of the \$384 million fire district budget, almost 88 percent, or \$312 million comes from fire rescue district property taxes. Other revenues include transport fees, fire plans processing and inspection fees, interdepartmental transfers, interest, and carryover. This year's budget reflects a decrease of \$7 million in property tax revenue when compared to the FY 2006-07 district budget. In addition, because of the approved constitutional amendment, district property taxes will be reduced by approximately \$7 million.

While we are developing solutions for the potential future property tax revenue reductions that may impact the District, prudent financial planning has allowed the department, through a combination of operational savings and increased revenue from fees for services, to maintain all current operational units through this fiscal year In addition, barring any unforeseen additional actions by the state exceeding the potential property tax reduction initiatives that were approved on January 29th, MDFR should be able to maintain all operational units through FY 2008-09.

# Alternative Revenue Sources

In the years following, it will be necessary to develop other revenue sources to support operations. To bolster reduced fire rescue budgets, other fire departments have developed and implemented alternative and additional revenue sources to support existing operations and fund new services. The most prevalent sources of new revenue are non ad valorem fire assessments, motor vehicle accident response fees, and air rescue helicopter transport and landing zone set up fees. In addition, departments are contemplating increases to the existing emergency medical services (EMS) ground transport fee schedule.

### Fire Assessment Fees

Fire assessment fees provide a cost effective and financially stable means of funding future fire services in many communities. Non ad valorem fire assessment fees have become commonplace throughout Florida and are rapidly gaining acceptance throughout the United States as a way to ensure top quality fire services.

Fire assessment fees have been in the news recently as court decisions (as in the City of Miami) have been rendered related to the legality of collecting these fees. In general, courts have ruled that non ad valorem fire assessment fees are legal mechanisms for providing funding for fire suppression services since those fees are used to provide a special benefit to property owners. The courts have also held that such fees are not a legal mechanism for providing emergency medical services, since such services are provided to all people in a district (including tourists and other non-residents simply traveling through a service area to home, work or school), and therefore, there is no special benefit to property owners. A survey of fire assessment fees in other jurisdictions found in Attachment I provides more details.

# Motor Vehicle Accident (MVA) Response Fee

Response to motor vehicle accidents represents a significant utilization of MDFR district resources In 2006, MDFR responded to 14,642 accidents involving automobiles or motorcycles (9% of total EMS calls) Fire departments in other jurisdictions have implemented charges to recover some of the cost associated with these specialized calls

Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners Page 3

A third party billing agent is typically used to determine the driver at fault and bill and collect on behalf of a fire department. Unless otherwise requested, the billing agent will only invoice the at-fault parties' insurance company for all costs associated with the accident. The industry standard rate for MVA revenue recovery is 20 to 25 percent of the revenue collected. The amount of the MVA fees can be narrowly tailored by the level of response—equipment and personnel needed—and can be applied as a flat or hourly rate. Attachment II contains information regarding other fire departments who charge for MVA response.

### EMS Ground Transport Fees

Emergency medical services calls comprise approximately 90% of all calls to MDFR. Accordingly, Miami-Dade County has a great interest in ensuring that the department is charging, and collecting adequate fees for emergency medical ground transportation services.

MDFR transported approximately 61,000 people in 2006. Medicaid and Medicare were billed for 31,110 (51%) of these calls. Private insurance carriers were charged for 15,860 (26%) of the calls and self-pay were billed for 14,030 (23%) Within the self-pay category, approximately 1,000 submitted a payment. Revenues from EMS ground transports totaled \$15.5 million in FY 2005-06 and are projected to be approximately \$17 million in FY 2006-07

This research was conducted in April 2007, and information contained in this report is accurate to that date. MDFR surveyed 17 other jurisdictions in the state of Florida and 11 fire departments throughout the United States to provide a comprehensive analysis (Attachment III).

#### Air Rescue Fee

MDFR does not currently charge for Air Rescue transport, although most will be billed for the ground transport in a rescue unit required to get a patient to the landing zone. Since the expenses related to Air Rescue services are provided for from the countywide general fund, any revenue generated would be used to reduce the cost to the countywide general fund. The estimated revenue to be generated is approximately \$4 to \$6 million, depending upon the fee charged and the collection rate. There would also be potential labor cost increases if the department falls under Part 135 of the FAA regulations and we are forced to adjust pilot work schedules

Fire departments throughout the United States have successfully administered many of the fees examined in this report to increase their revenues. Implementation of any combination of these fees or increases to the existing fee structure would reduce the fire district dependence on ad valorem taxes, shield the fire district from future legislative action affecting property tax revenue, and protect the level and quality of fire rescue service MDFR provides

The most promising avenues for generating additional revenue appear to be from implementation of fire assessment fees, increase to existing EMS ground transport fees or fire prevention fees, and implementation of an Air Rescue transport fee. The implementation of an alternative revenue source to property taxes is necessary for the ongoing operation of MDFR. Service expansions for which capital funding is available or will be should the capital plan discussed next in this report be approved by the Board, will not be able to operate if these revenue sources are not available.

### Capital Funds Requirements

The MDFR capital budget provides funds for projects from three primary sources: the District operating budget, proceeds from Sunshine loans or other debt instruments, and impact fees from new development. Due to the increased costs of construction, declining impact fees revenue, and a reduction in property tax revenue, the strategy for funding fire department capital projects must be altered. It is recommended that a capital plan supported by debt issuance be approved by the Board. This plan would allow for currently planned stations and facilities critical to address service needs to be constructed.

Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners Page 4

In the current year, less than two percent of the fire district operating budget (approximately \$6.4 million per year of a \$384 million operating budget) is budgeted for debt service on borrowing related to capital projects.

Authorizing the department to borrow up to an additional \$50 million will increase the annual debt payment by \$3.2 million to a total of \$9.8 million, which is still lower than 3% of the annual operating budget of the District, and will allow the department to fund the construction of six new fire stations, expansion of two stations, re-construction of one station, and to build a new fleet maintenance facility.

Five of the proposed fire station capital projects to be funded from additional borrowing will have minimal impact on the District operating budget since the rescue or suppression units are already in service at nearby stations. The North Bay Village project is a rebuild of the existing Station 27 as part of a municipal public safety complex and will have no operating impact. The Highland Oaks Phase II project will expand the existing Station 63 to house Rescue 63 that is currently deployed at Station 22. The project will include space for a North Division Office (to be moved from a Park and Recreation Department building in Greynolds Park) and Fire Prevention (to be moved from leased space costing \$90,000 per year). Construction of the Coconut Palm Station 70 and Palmetto Bay Station 62 will allow Rescue 70 (now deployed at Station 34) and Engine 62 (now deployed at Station 50) to move into permanent locations within their service territory Expansion of West Miami Station 40 to construct crew quarters will allow Engine 40 to remain in West Miami instead of relocating to South Miami Station 14 during evening hours. The Highland Oaks location is a 5 acre parcel obtained from FDOT, and Coconut Palm will be located on land donated by a developer. The Palmetto Bay site is in the late stage of property acquisition.

Three future fire stations for which land has already been acquired or will become available for a nominal fee are also recommended to be funded. These stations include Dolphin Station 68 and Arcola Station 67 on land currently owned by MDFR and North Miami Station 18 on land to be leased from the North Miami Community Redevelopment Agency for \$1 per year. The City of Bay Harbor has inquired about establishing a fire rescue facility as part of their new municipal project. MDFR proposes deploying a future rescue in the city and will require at least \$1 million for its share of build-out cost MDFR must be ready to construct and operate these important public safety facilities when the operating budget outlook becomes more favorable, and procurement of design services should be commenced even if construction might be delayed.

MDFR currently maintains all heavy fleet and utilizes GSA to maintain light and medium duty vehicles. The current facility used to maintain heavy fleet is entirely inadequate to maintain the heavy fleet. The existing Shop 2 has only seven bays, which forces the mechanics to work on many units outside in the parking area. This can delay some work which cannot be performed due to inclement weather outside or which requires a lift MDFR has proposed construction of a new fleet facility on existing county land next to the fire department logistics building. This new facility would be a partnership between GSA and MDFR, and is part of the master plan for the Kendall complex to utilize existing county land instead of purchasing additional land. MDFR will utilize the funds that would have been required to purchase additional land to replace GSA structures and will turn over shop 2 to GSA upon occupancy of the new facility. The new shop would provide space for all of MDFR vehicle maintenance functions.

As mentioned previously, five of the proposed fire station capital projects to be funded from additional borrowing will have minimal impact on the District operating budget since the rescue or suppression units are already in service at nearby stations. It is critical to response time and suppression capability that the rescue and engine units currently located in nearby stations be housed within their dedicated response territory. The deployment of these assets within their assigned territory will significantly improve response times for those communities and is instrumental for MDFR to meet the public safety needs in areas that are currently underserved.

There are four new stations that MDFR will build to accommodate programmed new services. These stations, Arcola, North Miami, Dolphin, and Bay Harbor, will be built on land currently owned by MDFR or being offered by a cooperative municipality at a nominal cost MDFR will begin the design process for these facilities, but will not commence construction until development of a viable solution to the potential future

Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners Page 5

operating revenue shortfall. A recommendation regarding a revised capital plan for the Fire District will be presented to the Board as part of the FY 2008-09 Proposed Budget.

### Municipalities Opting Out of the District

On July 24, 2007, the Board passed Ordinance 07-107, deleting the opt out provisions of the laws governing the establishment of the Miami-Dade Fire Rescue District. Prior to this code revision of the ordinance, municipalities wanting to opt out of the Fire District were required to obtain voter approval from the electorate of that city and give the County at least six months notice prior to the beginning of the next succeeding fiscal year. This provision had the effect of requiring any city opting out under the previous ordinance to obtain voter approval and also required the city to inform the County prior to April 1 for the effective date to be October 1, at the beginning of a new fiscal year.

#### Surfside

The first municipality to express a desire to opt out of the District was the Town of Surfside. MDFR first became aware of this during a meeting with Mayor Charles W. Burkett of Surfside in 2007. Subsequent to that meeting, MDFR Executive Staff met with the former Town Manager to understand the town's concerns and to identify potential solutions. MDFR had been discussing options for the establishment of a new fire station at various locations within the town, or as part of a joint use municipal project for quite some time, and met with private land owners willing to sell. Ultimately, the Town Manager expressed that perhaps a fire station within the town was not desirable, since it would be continually disturbing Surfside residents while going on fire and rescue calls outside the town. The Town of Surfside passed a resolution to call a special election on this issue.

The Town of Surfside has a residential population of approximately 5,600 within a two square mile boundary. The District has budgeted \$3.3 million in property taxes from the residential and business owners of Surfside in FY 2008, or approximately 1.05 percent of the total ad valorem revenue for the District. The Town of Surfside is provided services primarily from Station 21 and Station 10. These two stations each have a suppression and rescue unit, with an annual service cost of more than \$8 million.

The Town of Surfside anticipated contracting with the City of Miami Beach for fire and rescue services. We have not seen a formal proposal and are unaware of any recent discussions

#### Indian Creek

On February 15, 2008, the voters of the Village of Indian Creek voted to opt out of the District through a special election. The ballot contained the following language, "Shall Indian Creek Village opt out of the Miami-Dade Fire Rescue District and contract with the City of Miami Beach for Fire Rescue services?" The Village contains 41 waterfront properties with a taxable value of more than \$367 million and generates approximately \$770,000 in property tax revenue for the District. To date, we have no information on the implementation strategy on the part of either Indian Creek or Miami Beach. Pursuant to your direction, we will also continue to work with the County Attorney's Office to pursue appropriate legal action.

#### Pinecrest

On December 12, 2007, the Village of Pinecrest held a meeting to discuss the issue of conducting a special election to opt out of the District. The City of Coral Gables Fire Department and MDFR made detailed presentations to the Village Council concerning the services provided by each department. It was stated by Coral Gables that MDFR would be available, through existing mutual aid, to provide back-up when Coral Gables units were unavailable or if a major incident were to occur. Our Fire Chief cautioned the Village Council that MDFR might be unable to maintain the assets to provide mutual aid to contracted entities. The Pinecrest Village Council passed a formal resolution, by a vote of 3-2, to schedule a special election in March 2008, asking the voters of Pinecrest if the Village should opt out of the District.

Honorable Chairman Bruno A Barreiro and Members, Board of County Commissioners Page 6

The leaders of the Village of Pinecrest who voted for the opt out election have stated that they have no complaints about the services provided by MDFR, nor do they believe their constituents are dissatisfied with the County services. The Village Council's primary motivation appears to be to provide savings to their residents. The Village receives its service, primarily from four MDFR stations: Station 49 within the Village, Station 23 at US1 at SW 104 Street across the street from the Village, and two more on US1 within approximately one mile of the Village boundaries. These four stations are staffed with three suppression units, four rescue units and a Battalion officer on duty 24 hours each day, seven days per week, with a total annual cost of more than \$14 million. The Fire District has budgeted \$8 264 million from the property taxes paid by residents and business owners in Pinecrest for FY 2008.

On February 12, 2008, the City of Coral Gables Commission voted not to accept the ballot language proposed by the Village of Pinecrest, "Shall the Village of Pinecrest opt-out of the Miami-Dade Fire Rescue District and contract with the City of Coral Gables for fire rescue services?" In light of this decision, a special meeting of the Village Council of Pinecrest was scheduled for Wednesday February 20, 2008 to discuss Village fire rescue options. At that meeting, the Council directed the Village Manager to come back in March with the cost of hiring a consultant to study the feasibility of the Village creating its own fire department and decided to not schedule an election at this time. They also instructed their attorney to continue to pursue legal action

#### Other Municipalities

With regards to other municipalities opting out of the Fire Rescue District, Sunny Isles Mayor Norman Edelcup advised that contrary to my December 13, 2007 memorandum regarding municipal opt out of Miami-Dade Fire Rescue District, the City of Sunny Isles Beach is not seeking fire rescue service from Miami Beach, nor has the city been offered service from the city of Miami Beach. The City of Sunny Isles is very satisfied with the services provided by Miami-Dade County Fire Rescue Department, and will continue to utilize the fire rescue services provided by the County

#### Additional Policy Considerations

Miami-Dade County provides a variety of services to municipalities and their residents. The services provided by MDFR save lives and protect our homes, schools, and places of business. Ensuring public safety is one of the foremost responsibilities of any government and we must maintain our fire and rescue response capabilities for all of our residents.

While I believe that litigation against the County by municipalities seeking to opt out of the District will ultimately be unsuccessful, the Board of County Commissioners may wish to consider various policy options to dissuade cities from withdrawal. In addition, the County may inform those cities that are willing to provide fire services on a contractual basis that there may be more wide-spread consequences to consider. Any adjustments to revenues and services in one municipality can have spillover effects into other areas.

One final point about mutual aid for Pinecrest. Mutual aid cannot be provided on a per call basis. The true cost of mutual aid is the annual operating and capital expense associated with maintaining all of the suppression and rescue capability available for deployment in any emergency. The resources available around the Village of Pinecrest are substantial and represent a significant allocation of public safety dollars by the District. The current mutual aid agreements do not include providing services to municipalities that contract with other fire rescue departments, and I would strongly advise against entering into any such arrangements.

Honorable Chairman Bruno A Barreiro and Members, Board of County Commissioners Page 7

A less confrontational and more reasonable approach to this issue may be simply educating and informing residents about the advantages and benefits of regional fire services and cooperation among the existing departments. Completion of the MDFR Training Complex will allow more opportunities for joint exercises that will improve the proficiency of all fire rescue personnel. Future possibilities include common platforms and specifications for radio communications, suppression and rescue apparatus and protective gear. These cooperative efforts could lead to purchasing efficiencies, savings for our residents, and a more effective fire service.

Staff from the MDFR will be attending the various public meetings to be held in the community on the opt out issue and making presentations to residents about the services provided by MDFR. The information provided will educate and inform residents about the services provided to them by MDFR and the benefits of regional fire service. I am hopeful these efforts will be successful and our residents will choose to remain part of the Miami-Dade Fire Rescue District.

Assistant County Manager



# APPENDIX 2

Declarations of Restrictions, dated March 14, 2008

Revised Declarations of Restrictions, dated March 21, 2008

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This instrument was prepared by:

Name: Michael W. Larkin, Esq.

Address: Bercow & Radell, P.A.

200 S. Biscayne Boulevard, Suite 850

Miami, FL 33131

(Space reserved for Clerk)

# **DECLARATION OF RESTRICTIONS**

WHEREAS, the undersigned Owner, Anthony F. Balzebre Trust ("Owner") holds the fee simple title to a 54.20 net acre parcel of land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion; and

WHEREAS, the Property is the subject of a standard Comprehensive Development Master Plan ("CDMP") Amendment Application No. 3 of the April 2007 Amendment Cycle; and

WHEREAS, the Owner has sought a Land Use Plan amendment to change the designation of the Property from "Industrial and Office" and "Business and Office" to "Business and Office"; and

WHEREAS, the Owner has sought an amendment to the Land Use Plan Map and a text amendment to the Land Use Element of the CDMP to designate the Property as a Regional Activity Center ("RAC") in accordance with relevant Florida Statutes and provisions of the Miami-Dade County Comprehensive Development Master Plan; and

WHEREAS, the Owner desires to promote public transportation by incorporating within the Property a public transportation facility; and

WHEREAS, the Owner desires to reserve unto itself, its successors and assigns, the Air Rights (hereafter defined) in and to the air space above the Public Transportation Facility (hereafter defined) and the Property, and other accompanying rights and easements more particularly set forth herein.

NOW THEREFORE, in order to assure Miami-Dade County (the "County") that the representations made by the Owner during consideration of Amendment Application No. 3 will be abided by the Owner, its successors and assigns, freely, voluntarily, and without duress, makes the following Declaration of Restrictions covering and running with the Property:

<u>Maximum Development Program.</u> The maximum development program for the Property ("MDP") shall be:

Residential	1050 dwelling units or 1,701,000 gross square feet	
Retail/Service	799,900 gross square feet	
Hotel	430 rooms or 225,000 gross square feet	
Office	225,000 gross square feet	

Notwithstanding any transportation concurrency exemption that is granted for the Property, the Owner may simultaneously increase and decrease the MDP's land use categories provided that the cumulative impacts of the reallocated land uses may not exceed (a) the PM peak hour trips established for the MDP, which equates to 2,807 net PM peak hour trips, or (b) average daily potable water demand or maximum daily potable water demand of the MDP, which equate to .361 million gallons per day and .812 million gallons per day, respectively.

<u>Transit Improvements</u>. The Owner intends to develop the Property as a project that promotes public transportation, and subject to County approval, the Owner shall incorporate within the development of the Property either a MetroRail station for the County's east-west transit corridor, if the corridor is extended to include the Property, or a MetroBus Terminal for multiple MetroBus routes. Such MetroRail station or MetroBus Terminal shall be referred to as the "Public Transportation Facility."

If the Public Transportation Facility is a MetroBus Terminal, the terminal shall include a maximum of ten (10) saw-tooth bus bays, the driveway network serving the bus bays, ("Parking Area"), 170 parking spaces designated for transit users, a restroom facility for bus operators and transit users, a kiss-and-ride area, transit-oriented commercial uses ("Commercial Area"), transit lounge, and landscaping for this area. The Owner agrees to construct a parking garage where the bus bays, Commercial Area, and Parking Area will be located ("Parking Structure"). The support columns and other structural and load bearing components within the Parking Structure shall be designed in a manner so that additional stories can be added to the Parking Structure in the future and to support Owner's intended construction within the reserved Air Rights. The added width of the support columns, as required by the final engineering design, may cause a decrease in the number of parking spaces. However, Owner guarantees that a minimum of 150 parking spaces will be designated for transit users within the Parking Area.

Owner shall fund and construct the foregoing described MetroBus Terminal improvements within three (3) years from the date that Amendment Application No. 3 becomes final and nonappealable. If Owner is unable for good cause to construct the foregoing improvements within three (3) years from the date that Amendment Application No. 3 becomes final and nonappealable, the Owner may request an extension of time from the Director of Miami-Dade Transit or his designee provided that a building permit for the improvements has issued prior to the end of the three

year period. If all or a portion of the funding is provided through local, state, or federal grant or similar subsidy, this shall reduce the Owner's responsibility to fund the construction of the MetroBus Terminal improvements by a proportionate amount. With the exception of the area of the Property on which the driveway network leading from NW 12th Street to the MetroBus Terminal Improvements will be located, Owner shall dedicate to the County the portion of the Property on which the MetroBus Terminal Improvements will be located once the foregoing described improvements have received a certificate of occupancy from the County. For the purpose of joint use of the foregoing described driveway network by Owner and County, at time of dedication, Owner shall grant an easement to the County that will permit ingress and egress from NW 12th Street to the MetroBus Terminal Improvements for all county employees and patrons of the Public Transportation Facility.

The Owner shall retain the right to install signage with regard to any use within the Property on the Parking Structure. The Owner shall retain exclusive lease rights to the Commercial Area, which include, but are not limited to, the right to all rent monies. The Owner shall also have the right to operate the Parking Structure and charge a fee consistent with the fee charged by the County to utilize parking garages adjacent to MetroRail stations.

Air Rights Reserved. The Owner shall have and retain and specifically reserves unto itself, its successors and assigns, all air rights in and to the air space above the Public Transportation Facility and the Property ("Air Rights"), together with all accompanying rights and easements necessary or required in order to permit the development and construction of the Owner Improvements (hereafter defined) above, around, and connected to the Public Transportation Facility. Owner proposes to construct and reconstruct and alter from time to time in and upon the Air Rights and the Property certain improvements as deemed necessary or desirable by Owner (but subject to the MDP), in Owner's sole discretion (hereinafter called "Owner

Improvements"). The easements reserved to Owner herein shall include but shall not be limited to a non-exclusive easement (hereinafter called "Owner's Support Easement") for support columns and other structural and load bearing components necessary for the Owner Improvements Owner specifically reserves for itself, its successors and assigns, the right, privilege and easement to come upon, over, under and across all those portions of the Public Transportation Facility and the Property reasonably necessary or required in order for Owner to construct the Owner Improvements in the Air Rights and the Owner's Support Easement, subject, however, to the MDP and all applicable laws and ordinances provided, however, Owner shall use its reasonable efforts to minimize interference with the Public Transportation Facility and the activities therein.

Roadway Improvements. The Owner shall fund and construct the roadway improvements described in Exhibit B. The foregoing roadway improvements shall be open to traffic prior to the issuance of any Certificate of Occupancy for any building within the Property, except for those buildings that constitute the Public Transportation Facility.

Certificate of Occupancy Date. Owner agrees not to obtain a certificate of occupancy for any building containing a residential use until such time as Miami-Dade County has adopted a public school facilities element, entered into an Interlocal Agreement with the Miami-Dade County Public School System with regard to school concurrency, and amended its Comprehensive Development Master Plan to implement school concurrency. In addition, Owner agrees not to obtain a certificate of occupancy for any building within the Property, except for those buildings that constitute the Public Transportation Facility and any construction within the reserved Air Rights, until such time as either the Dolphin Fire Rescue Station (No. 68) has received a temporary certificate of occupancy or any other new Fire Rescue Station designated by the Fire Rescue Department that will service the Property. Finally, Owner agrees not

to obtain a certificate of occupancy for any building within the Property until such time as all of the buildings that constitute the Public Transportation Facility and any construction with regard to the reserved Air Rights have received a temporary certificate of occupancy.

<u>Fire Rescue</u>. Owner agrees to support the creation of a non ad valorem fire assessment fee.

Project Design. The Owner represents that the Property will be developed in a manner that assures a high quality, unified development design in accordance with coordinated and cohesive design principles which reflect the general guidelines contained in Exhibit "C" ("Design Guidelines"). In that regard, with the exception of those buildings that will constitute the Public Transportation Facility, prior to any development approvals being sought for residential, retail, hotel, or office uses on the Property, the Owner agrees to seek and obtain site plan approval for the entire Property which reflects substantial conformity with the Design Guidelines or, alternatively, submit for approval to the Director of the Planning and Zoning Department (or its successor planning agency), or his/her designee, and upon receiving said approval, record an architectural code or equivalent design standards to govern development of the entire Property, which are substantially in accordance with the attached Design Guidelines.

<u>LEED Certification</u>. All buildings developed on the Property will be Leadership in Energy and Environmental Design (LEED) certified in accordance with the standards set forth by the United States Green Building Council.

<u>Workforce Housing</u>. Owner agrees that a minimum of 10% of the residential units on the Property shall be designated for workforce housing and shall meet the criteria of workforce housing in Miami-Dade County. Workforce housing shall be deemed to be the sale or rental of property for persons within the income range of 65% to 140% of the median family income for Miami-Dade County as published annually

by the U.S. Department of Housing and Urban Development. Notwithstanding anything to the contrary in this Declaration of Restrictions, the Owner may utilize any residential density bonuses granted by Miami-Dade County, or successor municipality, for the development of workforce housing on the Property.

The Owner shall, upon site plan approval or prior to obtaining the initial building permit for a residential structure on the Property, whichever is the required date according to the relevant County regulation, identify those units within such structure, if any, that satisfy this workforce housing requirement. A declaration of restrictive covenants, in form acceptable to the County, shall be recorded in the public records of Miami-Dade County, Florida stating that the unit is a workforce housing unit and shall remain as such for a period of 30 years from the time of recordation of the declaration of restrictive covenants.

<u>Water Conservation Regulations.</u> The Owner shall incorporate the measures listed in Exhibit D, where practicable, into the design, construction and operation of any residential development on the Property. Similarly, the Owner shall incorporate the measures listed in Exhibit E, where practicable, into the design, construction and operation of any commercial development on the Property.

<u>Subdivision of Property.</u> In the event the Property is subdivided into multiple ownerships, responsibility for the obligations contained in this Declaration that are related to the provision of workforce housing units in the absence of a duly enacted ordinance shall be allocated on a pro-rata per acre basis. Workforce housing units on any particular subparcel of the Property shall be developed simultaneously with any market rate housing units on that subparcel.

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

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

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

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

the provisions of such ordinances as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan; or, in the event that the successor municipality does not adopt such ordinances, subject to Chapter 163 and the provisions of the municipality's ordinances that apply to the adoption of district boundary changes. Should this Declaration be so modified, amended, or released, the Director of the Department of Planning and Zoning or the executive officer of a

successor department, or, in the absence of such Director or executive officer, by his or

her assistant in charge of the office in his/her office, shall execute a written instrument

effectuating and acknowledging such modification, amendment, or release.

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

Authorization for Miami-Dade County to Withhold Permits and Inspections. In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.

<u>Election of Remedies</u>. 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.

<u>Presumption of Compliance</u>. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such

construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

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

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

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

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

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[Execution Pages Follow]

This instrument was prepared by:

Name:

Michael W. Larkin, Esq.

Address: Bercow & Radell, P.A.

200 S. Biscayne Boulevard, Suite 850

Miami, FL 33131

(Space reserved for Clerk)

# **DECLARATION OF RESTRICTIONS**

WHEREAS, the undersigned Owner, Anthony F. Balzebre Trust ("Owner") holds the fee simple title to a 54.20 net acre parcel of land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion; and

WHEREAS, the Property is the subject of a standard Comprehensive Development Master Plan ("CDMP") Amendment Application No. 3 of the April 2007 Amendment Cycle; and

WHEREAS, the Owner has sought a Land Use Plan amendment to change the designation of the Property from "Industrial and Office" and "Business and Office" to "Business and Office"; and

WHEREAS, the Owner has sought an amendment to the Land Use Plan Map and a text amendment to the Land Use Element of the CDMP to designate the Property as a Regional Activity Center ("RAC") in accordance with relevant Florida Statutes and provisions of the Miami-Dade County Comprehensive Development Master Plan; and

WHEREAS, the Owner desires to promote public transportation by incorporating within the Property a public transportation facility; and

WHEREAS, the Owner desires to reserve unto itself, its successors and assigns, the Air Rights (hereafter defined) in and to the air space above the Public Transportation Facility (hereafter defined) and the Property, and other accompanying rights and easements more particularly set forth herein.

NOW THEREFORE, in order to assure Miami-Dade County (the "County") that the representations made by the Owner during consideration of Amendment Application No. 3 will be abided by the Owner, its successors and assigns, freely, voluntarily, and without duress, makes the following Declaration of Restrictions covering and running with the Property:

<u>Maximum Development Program.</u> The maximum development program for the Property ("MDP") shall be:

Residential	1050 dwelling units or 1,701,000 gross square feet	
Retail/Service	799,900 gross square feet	
Hotel	430 rooms or 225,000 gross square feet	
Office	225,000 gross square feet	

Notwithstanding any transportation concurrency exemption that is granted for the Property, the Owner may simultaneously increase and decrease the MDP's land use categories provided that the cumulative impacts of the reallocated land uses may not exceed (a) the PM peak hour trips established for the MDP, which equates to 2,807 net PM peak hour trips, or (b) average daily potable water demand or maximum daily potable water demand of the MDP, which equate to .361 million gallons per day and .812 million gallons per day, respectively.

<u>Transit Improvements</u>. The Owner intends to develop the Property as a project that promotes public transportation, and subject to County approval, the Owner shall incorporate within the development of the Property either a MetroRail station for the County's east-west transit corridor, if the corridor is extended to include the Property, or a MetroBus Terminal for multiple MetroBus routes. Such MetroRail station or MetroBus Terminal shall be referred to as the "Public Transportation Facility."

If the Public Transportation Facility is a MetroBus Terminal, the terminal shall include a maximum of ten (10) saw-tooth bus bays, the driveway network serving the bus bays, ("Parking Area"), 170 parking spaces designated for transit users, a restroom facility for bus operators and transit users, a kiss-and-ride area, transit-oriented commercial uses ("Commercial Area"), transit lounge, and landscaping for this area. The Owner agrees to construct a parking garage where the bus bays, Commercial Area, and Parking Area will be located ("Parking Structure"). The support columns and other structural and load bearing components within the Parking Structure shall be designed in a manner so that additional stories can be added to the Parking Structure in the future and to support Owner's intended construction within the reserved Air Rights. The added width of the support columns, as required by the final engineering design, may cause a decrease in the number of parking spaces. However, Owner guarantees that a minimum of 150 parking spaces will be designated for transit users within the Parking Area.

Owner shall fund and construct the foregoing described MetroBus Terminal improvements within three (3) years from the date that Amendment Application No. 3 becomes final and nonappealable. If Owner is unable for good cause to construct the foregoing improvements within three (3) years from the date that Amendment Application No. 3 becomes final and nonappealable, the Owner may request an extension of time from the Director of Miami-Dade Transit or his designee provided that a building permit for the improvements has issued prior to the end of the three

year period. If all or a portion of the funding is provided through local, state, or federal grant or similar subsidy, this shall reduce the Owner's responsibility to fund the construction of the MetroBus Terminal improvements by a proportionate amount. With the exception of the area of the Property on which the driveway network leading from NW 12th Street to the MetroBus Terminal Improvements will be located, Owner shall dedicate to the County the portion of the Property on which the MetroBus Terminal Improvements will be located once the foregoing described improvements have received a certificate of occupancy from the County. For the purpose of joint use of the foregoing described driveway network by Owner and County, at time of dedication, Owner shall grant an easement to the County that will permit ingress and egress from NW 12th Street to the MetroBus Terminal Improvements for all county employees and patrons of the Public Transportation Facility.

The Owner shall retain the right to install signage with regard to any use within the Property on the Parking Structure. The Owner shall retain exclusive lease rights to the Commercial Area, which include, but are not limited to, the right to all rent monies. The Owner shall also have the right to operate the Parking Structure and charge a fee consistent with the fee charged by the County to utilize parking garages adjacent to MetroRail stations.

Air Rights Reserved. The Owner shall have and retain and specifically reserves unto itself, its successors and assigns, all air rights in and to the air space above the Public Transportation Facility and the Property ("Air Rights"), together with all accompanying rights and easements necessary or required in order to permit the development and construction of the Owner Improvements (hereafter defined) above, around, and connected to the Public Transportation Facility. Owner proposes to construct and reconstruct and alter from time to time in and upon the Air Rights and the Property certain improvements as deemed necessary or desirable by Owner (but subject to the MDP), in Owner's sole discretion (hereinafter called "Owner

Improvements"). The easements reserved to Owner herein shall include but shall not be limited to a non-exclusive easement (hereinafter called "Owner's Support Easement") for support columns and other structural and load bearing components necessary for the Owner Improvements Owner specifically reserves for itself, its successors and assigns, the right, privilege and easement to come upon, over, under and across all those portions of the Public Transportation Facility and the Property reasonably necessary or required in order for Owner to construct the Owner Improvements in the Air Rights and the Owner's Support Easement, subject, however, to the MDP and all applicable laws and ordinances provided, however, Owner shall use its reasonable efforts to minimize interference with the Public Transportation Facility and the activities therein.

Roadway Improvements. The Owner shall fund and construct the roadway improvements described in Exhibit B. The foregoing roadway improvements shall be open to traffic prior to the issuance of any Certificate of Occupancy for any building within the Property, except for those buildings that constitute the Public Transportation Facility.

Certificate of Occupancy Date. Owner agrees not to obtain a certificate of occupancy for any building within the Property, except for those buildings that constitute the Public Transportation Facility and any construction within the reserved Air Rights, until such time as either the Dolphin Fire Rescue Station (No. 68) has received a temporary certificate of occupancy or any other new Fire Rescue Station designated by the Fire Rescue Department that will service the Property. Finally, Owner agrees not to obtain a certificate of occupancy for any building within the Property until such time as all of the buildings that constitute the Public Transportation Facility and any construction with regard to the reserved Air Rights have received a temporary certificate of occupancy.

Residential Uses. Owner agrees not to file a zoning application proposing a residential use on the Property until such time as Miami-Dade County has adopted a public school facilities element, entered into an Interlocal Agreement with the Miami-Dade County Public School System with regard to school concurrency, and amended its Comprehensive Development Master Plan to implement school concurrency.

<u>Fire Rescue</u>. Owner agrees to support the creation of a non ad valorem fire assessment fee.

Project Design. The Owner represents that the Property will be developed in a manner that assures a high quality, unified development design in accordance with coordinated and cohesive design principles which reflect the general guidelines contained in Exhibit "C" ("Design Guidelines"). In that regard, with the exception of those buildings that will constitute the Public Transportation Facility, prior to any development approvals being sought for residential, retail, hotel, or office uses on the Property, the Owner agrees to seek and obtain site plan approval for the entire Property which reflects substantial conformity with the Design Guidelines or, alternatively, submit for approval to the Director of the Planning and Zoning Department (or its successor planning agency), or his/her designee, and upon receiving said approval, record an architectural code or equivalent design standards to govern development of the entire Property, which are substantially in accordance with the attached Design Guidelines.

<u>LEED Certification</u>. All buildings developed on the Property will be Leadership in Energy and Environmental Design (LEED) certified in accordance with the standards set forth by the United States Green Building Council.

<u>Workforce Housing</u>. Owner agrees that a minimum of 10% of the residential units on the Property shall be designated for workforce housing and shall meet the criteria of workforce housing in Miami-Dade County. Workforce housing shall be deemed to be the sale or rental of property for persons within the income range of 65%

to 140% of the median family income for Miami-Dade County as published annually by the U.S. Department of Housing and Urban Development. Notwithstanding anything to the contrary in this Declaration of Restrictions, the Owner may utilize any residential density bonuses granted by Miami-Dade County, or successor municipality, for the development of workforce housing on the Property.

The Owner shall, upon site plan approval or prior to obtaining the initial building permit for a residential structure on the Property, whichever is the required date according to the relevant County regulation, identify those units within such structure, if any, that satisfy this workforce housing requirement. A declaration of restrictive covenants, in form acceptable to the County, shall be recorded in the public records of Miami-Dade County, Florida stating that the unit is a workforce housing unit and shall remain as such for a period of 30 years from the time of recordation of the declaration of restrictive covenants.

Water Conservation Regulations. The Owner shall incorporate the measures listed in Exhibit D, where practicable, into the design, construction and operation of any residential development on the Property. Similarly, the Owner shall incorporate the measures listed in Exhibit E, where practicable, into the design, construction and operation of any commercial development on the Property.

<u>Subdivision of Property</u>. In the event the Property is subdivided into multiple ownerships, responsibility for the obligations contained in this Declaration that are related to the provision of workforce housing units in the absence of a duly enacted ordinance shall be allocated on a pro-rata per acre basis. Workforce housing units on any particular subparcel of the Property shall be developed simultaneously with any market rate housing units on that subparcel.

<u>Covenant Running with the Land</u>. This Declaration on the part of the Owner shall constitute a covenant running with the land and shall be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full

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

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

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

then modifications or releases of this Declaration shall be subject to Chapter 163 and the provisions of such ordinances as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan; or, in the event that the successor municipality does not adopt such ordinances, subject to Chapter 163 and the provisions of the municipality's ordinances that apply to the adoption of district boundary changes. Should this Declaration be so modified, amended, or released, the Director of the Department of Planning and Zoning or the executive officer of a successor department, or, in the absence of such Director or executive officer, by his or her assistant in charge of the office in his/her office, shall execute a written instrument effectuating and acknowledging such modification, amendment, or release.

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

Authorization for Miami-Dade County to Withhold Permits and Inspections. In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.

<u>Election of Remedies</u>. 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.

<u>Presumption of Compliance</u>. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and

inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

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

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

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

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

(Space	reserved	for	Clerk)
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[Execution Pages Follow]

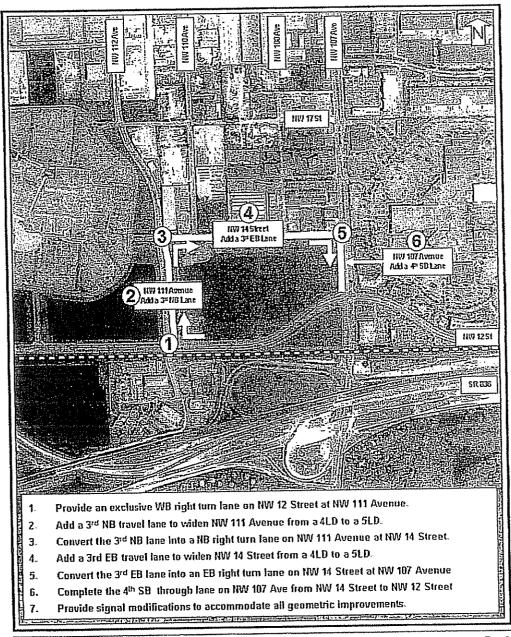
## Exhibit "A"

## Legal Description

The South 1/2 of the South 1/2 of the East 2/5 of Section 31, Township 53 South, Range 48 East of Miami-Dade County, Florida; Less existing Right of Way of Records.

#### Exhibit "B"

#### Roadway Improvements



Legend

54 196 Acre Amendment Site

Business and Office - 54 196 acres With a RAC Overlay Designation

Figure B Proposed Infrastructure improvements Dolphin Station September 2007

#### Exhibit "C"

#### Design Guidelines

- 1 The plan for development of the Property shall allow for a mix of uses, which will include commercial and residential uses.
- The proposed buildings shall be designed using compatible and complementary architectural styles and designs.
- Design features shall be included at appropriate locations of the buildings, in order to maintain architectural and design continuity
- 4. Consistent sign criteria and standards shall be established at the time of initial rezoning to encourage aesthetic compatibility within the sign program
- 5 Large expanses of opaque or blank building wall shall be minimized and shall have landscaped areas providing a visual barrier, to the maximum extent feasible
- 5 Uniform street furniture and lighting standards shall be provided throughout the Property
- Pedestrian crosswalks shall be clearly delineated on any proposed private roads within the Property
- The development pattern shall incorporate elements of the Miami-Dade County Urban Design Guidelines
- The streets shall be designed for pedestrian mobility, interest, safety, and comfort as well as vehicular mobility.
- 10 The proposed development shall contain open spaces that may include public squares, greens, and pedestrian promenades
- 11. The buildings and their landscapes within the proposed development shall be built to the sidewalk edge to the greatest extent possible in a manner that frames the adjacent street to create a public space in the street corridor that is comfortable, interesting, as well as safe for pedestrians
- 12. The architectural elements of the buildings at street level shall have a human scale, abundant windows and doors, and design variations at short intervals to create interest for the passing pedestrian

13. Parking areas shall be minimized at grade between the street and main building entrances to the extent possible Subterranean parking between the street and main building entrances is, however, permitted.

#### Exhibit "D"

## Water Conservation Measures for Residential Development

- Installing only High Efficiency Toilets (HET), which shall be defined as 1.2 gallons per flush, that meet the standard specifications of the Unified North America Requirements (UNAR) and display the Environmental Protection Agency's WaterSense label
- Using only one control valve, or one set of hot and cold valves required for each
   High Efficiency Showerhead, which shall be defined to provide no more than 1 5
   gallon per minute (gpm)
- Using Efficiency faucets which shall be defined to provide 1 0 gpm
- Using High Efficiency (HE) Clothes Washer(s) with a water factor of 6 or less
  (Tier 3b) as identified by the Consortium for Energy Efficiency at
  http://www.ceel.org/reid/seha/rwsh.rwsh-prod pdf, Energy Star (and WaterSense
  certified when available) for residential units equipped with clothes washer
  connections.
- Using dishwashers rated with use of 6.5 gallons/cycle or less, Energy Star and WaterSense certified
- Installing sub-metering for all multi-unit residential development which shall include separate meter and monthly records kept of all major water-using functions such as cooling towers and individual buildings
- Applying Florida Friendly Landscapes guidelines and principles to all landscape installations in compliance with Florida Yards & Neighborhoods criteria
- Using gutter downspouts, roof runoff, and rain harvesting to encourage increased recharge and other non-potable uses on the property, thru the use of elements and features such as rain barrels and directing runoff to landscaped areas
- Providing "Florida Friendly Landscapes" within all public rights-of-way
- Using drip irrigation or micro-sprinklers when appropriate
- Using porous surfaces (bricks, gravel, turf block, mulch, pervious concrete, etc)
   whenever possible on walkways, driveways, and patios

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

#### Exhibit "E"

## Water Conservation Measures for Commercial Development

- Using waterless technologies where available
- Maximizing use of on-site sources of water
- Choosing equipment that is water and energy efficient
- Installing automatic shut offs, solenoids and controllers to turn water off when not in use
- Installing flow restrictors when possible.
- Eliminating once through cooling.



#### APPENDIX 3

Applicant's letter requesting a density transfer, dated March 10, 2008

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## BERCOW RADELL & FERNANDEZ ZONING, LAND USE AND ENVIRONMENTAL LAW

Email: MLarkin@BRZoninglaw.com

#### VIA HAND DELIVERY

March 10, 2008

Mr. Subrata Basu Interim Director Department of Planning and Zoning Miami-Dade County Stephen P. Clark Center 111 Northwest 1st Street, 11th Floor Miami, Florida 33128

Re: Request for Confirmation that a Transfer of Surplus Floor Area shall be Permitted with Regard to Application No. 3, April 2007 CDMP Amendment Cycle; Additional Clarification of CDMP Interpretation.

Dear Subrata:

As you know, this law firm represents the applicant, Anthony Balzebre Trust ("Applicant"), Application No. 3 of the April 2007-2008 amendment cycle for the Miami-Dade County Comprehensive Development Master Plan ("CDMP"). We are in receipt of your department's administrative interpretation of the CDMP's Land Use Plan ("LUP") Map as it relates to the Property ("Clarification Letter"). See Exhibit A. Please allow this letter to serve as the Applicant's request for additional clarification. Specifically, the Applicant seeks a clarification that a transfer of surplus floor area shall be permitted as recognized by the CDMP's Land Use Element.

The application area consists of 63.95 gross acres generally located on the northwest corner of the intersection of N.W. 107th Avenue and N.W. 12th Street / SR 836 Ramp ("Application Area"). Specifically, the Application Area consists of two parcels divided by NW 12th Street. The larger parcel is situated at the northwest corner of NW 12th Street and NW 107th Avenue. It is bounded by NW 107th Avenue to the east, NW 14th Street to the north, NW 111th Avenue to the west, and NW 12th Street to the south ("Northern Parcel"). The smaller parcel is irregularly shaped and situated at the southwest corner of NW 12th Street and NW 107th Avenue. Specifically, the smaller parcel is bounded by NW

Mr. Subrata Basu March 10, 2008 Page 2

107th Avenue to the east, NW 12th Street to the north and west, and the State Road 836 (SR 836) ramp right-of-way to the south ("Southern Parcel").

Presently, the CDMP's LUP Map designates the westernmost approximately 38 net acres of the Application Area as Industrial and Office and the easternmost approximately 16 net acres as Business and Office. Accordingly, Application No. 3 requests the redesignation of the Application Area from Industrial and Office and Business and Office to Business and Office. The Applicant also requests that the Application Area be designated on the LUP Map as a regional activity center ("RAC") in accordance with relevant Florida statutes and provisions of the CDMP. The Applicant is requesting an amendment to the text of the Land Use Element within the CDMP in accordance with its RAC designation request. Finally, at the November 27, 2007 transmittal hearing, the Board of County Commissioners agreed to relocate the Metropolitan Urban Center ("MUC") graphic symbol from the International Mall property to the Application Area.

The Applicant is proposing to dedicate the western portion of the Southern Parcel to Miami-Dade Transit ("MDT") for the construction of a MetroBus Terminal for multiple MetroBus routes, including an express bus route originating in western Miami-Dade County and terminating in downtown. The Applicant will fund and construct the improvements that will constitute the Metrobus Terminal within three years of the date on which the approval of the land use amendment becomes final and non-appealable.

According to the "Density Averaging" language contained on page I-32 of the Adopted Components of the CDMP, groups of parcels under a single ownership or multiple ownerships that are legally unified . . . that are located within a unit area bounded by Major or Minor roadways as indicated on the Land Use Plan Map are eligible to be developed using density averaging. Density averaging permits one portion of a unified project to be developed at a higher density than would be permitted under its CDMP designation as long as another portion of the subject property's density is lowered respectively. In the instant case, the CDMP further provides that "density may be transferred across a Major or Minor roadway to an adjacent and legally unified parcel or portion thereof contiguous to the Roadway provided that the site receiving the increased density shall be developed at a density no greater ... than one density category higher than the LUP map designation of the parcel."

Similar to the Application Area in the instant case, the application site for Application No. 3 of the April 2005-06 CDMP amendment cycle was split by a



Mr. Subrata Basu March 10, 2008 Page 3

roadway. In that application, the Department of Planning and Zoning ("DP&Z") issued an administrative determination on September 26, 2005 stating that the density averaging provisions of the CDMP would apply to the entire site despite being divided by N.E. 14 Avenue into two portions. See Exhibit B. From our review of the Land Use Plan Map, it appears that the Application Area here is included within a single unit area in spite of the fact that it is divided by a major roadway. Therefore, any legally unified development of the Application Area would, in our view, be entitled to employ density averaging, or a similar transfer of development rights from the Southern Parcel to the Northern Parcel if there is no maximum density limitation on the Application Area.

On April 26, 2007, your department issued an administrative determination stating that there is no residential use, zoning, or designation on either side of the roadway adjacent the Application Area. See Exhibit A. Therefore, residential development within the Application Area is limited not by density, but rather by a maximum Floor Area Ratio (FAR) of 1.25. Id. Based upon DP&Z's administrative determination issued with regard to Application No. 3 of the April 2005-06 CDMP amendment cycle, the Applicant should be able to transfer surplus floor area from the portion of the Southern Parcel that will be dedicated to the County to the Northern Parcel or to the eastern portion of the Southern Parcel that will remain under the ownership of the Applicant.

As noted above, we anticipate that MDT may hold the fee title or a long-term lease to a portion of the Southern Parcel prior to the approval of the final plat for the development of the remainder of the Application Area. We further anticipate tying the development of the Application Area to a single plan that would depict the western portion of the Southern Parcel as a public transportation facility. The plan would propose to transfer the unused floor area from the Southern Parcel to the Northern Parcel or to the eastern portion of the Southern Parcel that will remain in the Applicant's possession. The entire Application Area would be subject to a declaration of restrictions or similar recorded document.

The foregoing factual pattern is very similar to the facts surrounding Application No. 4 of the 2005-2006 CDMP amendment cycle ("Application No. 4"). See Exhibit C. In Application No. 4, the applicant proposed dedicating Parcel C of the application area, an approximate two acre parcel, to Miami-Dade County for the construction of a branch library or similar civic use. Following this dedication, the applicant proposed to transfer the density that would normally be permitted on Parcel C to the remainder of the property that would remain in the possession of the applicant (despite not having ownership of Parcel



Mr. Subrata Basu March 10, 2008 Page 4

C). In a letter dated February 28, 2006, your department confirmed that because development on the property was subject to a declaration of restrictions that would limit the development to the submitted plan, the project would be a legally unified development that was eligible for the application of density averaging under the CDMP. Accordingly, as long as the Application Area is the subject of a declaration of restrictions or similar recorded document limiting the development to the submitted plans, then the unused floor area from the portion of the Southern Parcel under control of the County should be transferable to the Northern Parcel, or the eastern portion of the Southern Parcel, even after MDT holds the fee title to the eastern portion of the Southern Parcel.

Please provide us with your formal opinion as to whether the above-described course of action would result in a legally unified development that would be eligible for the transfer of surplus floor area under the CDMP. Please also provide us with your determination as to whether the Applicant will be able to transfer any unused floor area from the Southern Parcel for use in the Northern Parcel, or the eastern portion of the Southern Parcel.

If you need any additional information or have any questions or concerns, please do not hesitate to give me a call at my direct line at (305) 377-6231.

Sincerely,

Michael W. Larkin

MH

cc: Mr. Mark Woerner

Mr. Pat Moore

Mr. Mark Dorsey

Mr. Robert Balzebre

Mr. Steven Nostrand

Jeffrey Bercow, Esq.

Michael A. Gil, Esq.





April 26, 2007

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ADA Coordination
Agenda Coordination
Animal Services
Art in Public Places
Audit and Management Services

Building Code Compliance
Surings Development

Aviation

apital Improvements Construction Coordination
Citizens' Independent Transportation Trust
Commission on Ethics and Public Trust
Communications

Community Action Agency
Community & Economic Development
Community Relations
Consumer Services

Consumer Services
Corrections & Rehabilitation
Cultural Affairs
Elections

Emergency Management
Employee Relations
Empowerment Trust
Emergrise Technology Services
Environmental Resources Management
fair Employment Practices

Finance
Fire Rescue
General Services Administration

Historic Preservation
Homeless Trust
Housing Agency
Housing Finance Authority

Human Services
Independent Review Panel
International Trade Consortium
Juvenile Assessment Center
Medical Examiner
Metro-Miami Action Plan
Metropolitan Planning Organization

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Park and Recreation
Planning and Zoning
Police
Procurement Management

Property Appraiser
Public Library System
Public Works
Safe Neighborhood Parks

Solid Waste Management Strategic Business Management

Team Metro

Transit

Task Force on Urban Economic Revitalization

Vizcaya Muséum And Caudens Water & Sewer Jeffrey Bercow, Esquire Bercow & Radell 200 South Biscayne Boulevard, Suite 850 Miami, Florida 33131

Subject: Clarification of Comprehensive Development Master Plan Interpretation for Real Property Folio Nos. 30-3031-000-00210 and

30-3031-035-0010

Dear Mr. Bercow:

This letter is in response to your April 18, 2007 letter in which you request clarification of the permitted scale and intensity of residential development on the subject property if the entire site is re-designated "Business and Office" on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). As stated in your letter, the CDMP says that "[W]here there is no residential use, zoning or designation on either side of the roadway, the intensity of residential development, including height, bulk, and floor area ratio shall be no greater than that which would be permitted for an exclusively commercial use of the site." The subject property meets this condition.

The property is located on the northwest corner of NW 107 Avenue and NW 12 Street in the urbanizing area of Miami-Dade County. The CDMP provides a maximum Floor Area Ratio (FAR) of 1.25 for non-residential development situated within the Urbanizing Area, which is the area located between the Urban Infill Area and the Urban Development Boundary. Thus, residential development of this site would also be limited to a FAR of 1.25. The FAR is calculated by dividing the building square footage by the net lot area of the parcel, excluding parking structures. The CDMP further states that "[A]ctual intensities approvable on a given site may be significantly lower than the maximum where necessary to conform with an overriding Plan policy, or to ensure compatibility of the development with its surroundings."

This interpretation is based upon the policies and provisions of the CDMP currently in effect. If you have any further questions about this matter feel free to call me at 375-2840, or Mr. Mark R. Woerner, Acting Assistant Director, at 375-2835.

Sincerely,

Subrata Basu, AIA, AICP

Interim Director

Enclosure

SB: MW: PM: smd



ASSA Cacadination

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miamidade.gov

September 26, 2005

Mr. Graham Penn, Esq. Bercow and Radell Wachovia Financial Center 200 South Biscayne Boulevard Suite 650 Miami, FL 33131

Subject: Request for confirmation that the "Density Averaging" provisions of the Comprehensive Development Master Plan (CDMP) may be utilized for Application Number 3 of the April 2005-06 Cycle of Amendments

Dear Mr. Penn:

This letter is provided in response to your request dated August 30 2005 for confirmation that "Density Averaging" can be employed in the unified development of the entire subject site for Application Number 3 of the April 2005-06 Cycle of Amendment Applications. The application site is split by a local roadway, NE 14 Avenue, into eastern and western portions. You want confirmation that the density averaging provisions would apply to the entire site despite being divided by NE 14 Avenue into two portions.

The text of the Land Use Element does not specifically address transferring density across a local roadway but does include transferring density across roads designated as Major or Minor Roadways on the Land Use Plan map. The text on Page 1-26 states the following "Density may be transferred across a Major or Minor roadway to an adjacent and legally unified parcel or portion thereof contiguous to the Roadway provided, further, that the site receiving the increased density shall be developed at a density no greater than the higher of adjoining or adjacent existing residential development or zoning, or if the adjoining land is undeveloped and not zoned for urban use, one density category higher than the LUP map designation of the parcel." These same provisions should apply to transferring density across a local roadway.

Graham Penn, Esq. September 26, 2005 Page 2

In conclusion, I find that the entire application site is subject to the density averaging provisions of the CDMP. Please remember that the density averaging provisions of the CDMP are all conditioned upon a determination being made that the requested density and housing types are compatible with the surrounding development and would not create a significant negative impact on services within the area.

This letter is provided in response to your request for interpreting provisions of the CDMP; it does not constitute a departmental recommendation on any pending or future requests for development approval. As stated above, this interpretation is based upon the policies and provisions of the CDMP currently in effect, current conditions in the area, and relevant provisions of the Code of Ordinances of Miami-Dade County (Chapter 33).

If you have any questions regarding this information, feel free to call me at (305) 375-2840 or Mr. Mark R. Woerner, Chief of the Metropolitan Planning Section, at (305) 375-2835 for further assistance.

Sincerely,

Diane O'Quinn Williams

Director

DOQW: SB: MRW: PM: FLM



ADA Coordination
Agenda Coordination
Animal Services
Art in Public Places
Audit and Management Services
Aviation
Building
Building Code Compiliance
Business Development
Capital Improvements Conseruction Coordination
Citizens Independent Transportation Yous

Communications
Community Action Agency
Community & Economic Development
Community Relations
Consumer Services
Corrections & Rehabilitation
Cultural Affairs

Commission on Ethics and Public Trees

Elections
Emergency Management
Employee Rotations
Employeement Trust
Enterprise Technology Services
Communication Resources Management
Fair Employment Plactices

Finance
Fire Rescue
Ceneral Services Administration
Historic Preservation
Homeless Trust

Housing Agency
Flouring Finance Authority
Human Services
Independent Review Panel
International Trade Consortium
Juvenile Assessment Center
Medical Exemplaer

Metro-Manni Action Plan Metropolitan Planning Organization Park and Recreation

> Planning and Zoning Police Procurement Management

Property Appraises Public Library System Public Works

Safe Neighborhood Parks Scaport

Solid Waste Management Strategic Business Management

> Tenm Metro Tramit

Transit
Track Force on Urban Frontonic Revitalization
Viacuya Museum And Gardens
VVarer & Sower

Department of Plar
Step
111 NW 1st 3
Miami, Florida 33128-1902

T 305-375-2800 miamidade.gov

February 28, 2006

Mr. Graham Penn, Esq. Bercow and Radell Wachovia Financial Center 200 South Biscayne Boulevard Suite 850 Miami, FL 33131

Subject: Comprehensive Development Master Plan (CDMP) text interpretation for utilizing the density averaging concept in calculating the potential number of dwelling units on the Subject Property that is generally bounded by NW 99 Street, NW 9 Avenue, NW 95 Terrace and NW 12 Avenue (April 2005-06 Cycle CDMP Application No. 4).

Dear Mr. Penn:

This letter is provided in response to your request dated January 10, 2006 for confirmation of the textual provisions of the CDMP, concerning the use of the density averaging concept in calculating the potential number of dwelling units that could occur on the Subject Property that is generally bounded by NW 99 Street, NW 9 Avenue, NW 95 Terrace and NW 12 Avenue and is listed as Application No. 4 in the April 2005-06 CDMP Amendment Cycle. Your proposed course of action includes transferring Parcel C to Miami-Dade County by a warranty deed or a long-term lease, tving the development of the Application Area to a single plan that would depict Parcel C as limited to civic uses, transferring the number of residential units that would normally be permitted on Parcel C to the other portions of the development, and providing a declaration of restrictions that would limit the development to the submitted plan. You specifically asked if this course of action would result in a legally unified development that would be eligible for the application of density averaging under the CDMP.

The text of the Land Use Element states that several non-residential uses that may be included in the "gross residential acreage" when computing the number of dwelling units permitted per gross acre in a residential communities area. These include streets, community institutional uses, private recreational open spaces that are protected

Graham Penn, Esq. February 28, 2006 Page 2

in perpetuity by covenant; public or semipublic utility sites, easements or rights-of-way donated at the time of development approval; and nature preserves and water bodies created as open-space amenities during project development or credited for density purposes during previous development approval, or inland waters wholly owned by the applicant. The sites of these nonresidential uses may be included in the gross residential acreage only if they are under the same ownership or are multiple ownerships that are legally unified (legally unified development) as the site for which gross density is being determined. If your project is a legally unified development, the calculation of gross density may include a parcel with an institutional use such as Parcel C.

The land use density ceiling designated on the Land Use Plan (LUP) map applies to every parcel. However, in certain instances, the averaging of density may be authorized among different parcels in a legally unified development, as long the average density does not exceed the gross density permitted by the LUP map category. To utilize density averaging on the subject property, the parcels must be under a single ownership or multiple ownerships that are legally unified, be situated in a unit area bounded by Major and Minor Roadways as indicated on the LUP map, be located within the Urban Development Boundary (UDB), and be designated for urban uses. The project would be legally unified if development on the property would be subject to declaration of restrictions that would limit the development to the submitted plan. The subject property is situated within a unit area bounded by the four Major Roadways of NW 7 and 17 Avenues and NW 95 and 103 Streets as denoted by the LUP map. The subject property is currently designated for urban uses and is located within the UDB.

In conclusion, I find that your proposed course of action would result in a legally unified development that would be eligible for the application of density averaging under the CDMP.

This letter is provided in response to your request for interpreting provisions of the CDMP; it does not constitute a departmental recommendation on any pending or future requests for development approval. This interpretation is based upon the policies and provisions of the CDMP currently in effect, current conditions in the area, and relevant provisions of the Code of Ordinances of Miami-Dade County (Chapter 33).

If you have any questions regarding this information, feel free to call me at (305) 375-2840 or Mr. Mark R. Woerner, Chief of the Metropolitan Planning Section, at (305) 375-2835 for further assistance.

Sincerely,

Diane O'Quinn Williams

Director

C: DOQW: SB: MRW: PM: BNW: FLM



#### **APPENDIX 4**

Applicant's notification of change in ownership, dated March 13, 2008

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# BERCOW RADELL & FERNANDEZ ZONING, LAND USE AND JENVIRONMENTAL LAW 1008-Mail: mlarkin@brzoninglaw.com

PLANNING & ZONING SECT
METROPOLITAN PLANNING SECT

#### VIA HAND DELIVERY

March 13, 2008

Mr. Subrata Basu Interim Director Department of Planning and Zoning Miami-Dade County Stephen P. Clark Center 111 Northwest 1st Street, 11th Floor Miami, Florida 33128

Re: <u>Anthony Balzebre Trust, Application No. 3, April 2007 CDMP Amendment Cycle - Change in Ownership.</u>

Dear Subrata:

As you know, this law firm represents the Anthony Balzebre Trust, the applicant in connection with the above-referenced application. Please be advised that the applicant has recently changed the entity having direct ownership of the application area ("Property"). Specifically, the entity directly owning the Property is now entitled 107th Avenue Gamma, LLC. The foregoing entity, in turn, is owned 100% by Balzebre Gamma LP. Further yet, Balzebre Gamma LP is owned 99.9% by the Anthony Balzebre Trust and 1% by Balzebre Gamma LLC. However, the 1% ownership in Balzebre Gamma LLC is also owned by the Anthony Balzebre Trust. Accordingly, the Anthony Balzebre Trust continues to own the Property, albeit indirectly.¹ For your convenience, attached please find a diagram of this new ownership structure.

With regard to a separate matter, please be advised that the Property consists of a gross acreage of 63.95 and a net acreage of 54.20. Although the survey submitted as part of our original application in April 2007 correctly indicated the Property's gross acreage as 63.95, it erroneously identified its net acreage as 59.949. Accordingly, please note that the application's gross acreage should reflect an increase in size, while the Property's net acreage should reflect a decrease. Even

See initial disclosure of interest filed with application for information relating to the trustee and beneficiaries of the Anthony Balzebre Trust.

Mr. Subrata Basu March 13, 2008 Page 2

though Department of Planning and Zoning staff is already fully aware of this discrepancy in acreage (as noted in staff's initial recommendations), we kindly request that the department's revised recommendations accurately reflect the foregoing acreage figures.

If you have any questions or comments in the interim, please give me a call at (305) 377-6231.

Sincerely yours,

Michael W. Larkin

#### Enclosures

cc: Mr. Mark Woerner

Mr. Pat Moore

Mr. Mark Dorsey

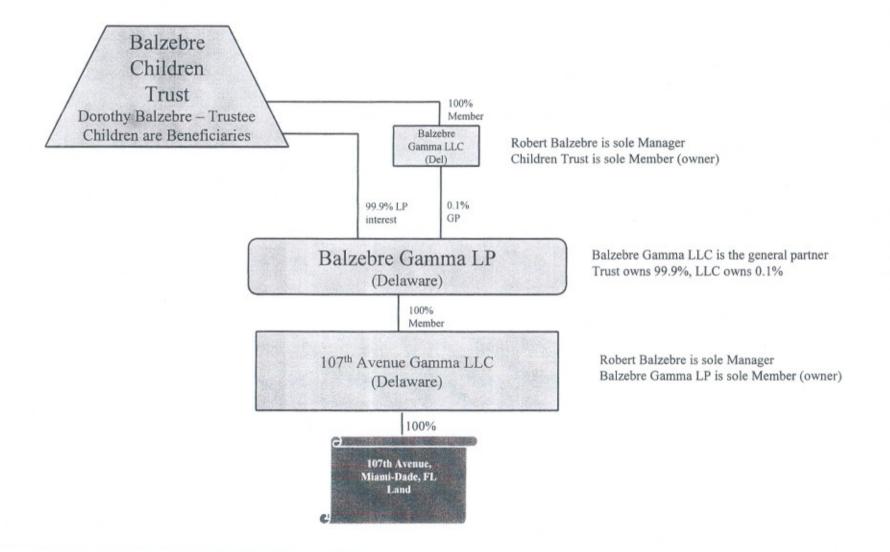
Mr. Robert Balzebre

Mr. Steven Nostrand

Jeffrey Bercow, Esq.

Michael A. Gil, Esq.

## Structure - 107th





#### **APPENDIX 5**

Miami-Dade County School Board analysis of Application's impact on school facilities, dated March 18, 2008

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## Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools Rudolph F. Crew, Ed.D.

March 18, 2008

Miami-Dade County School Board

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

Mr. Subrata Bāšu, 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: Application No. 3 - Land Use Amendments April 2007 Cycle

**Anthony Balzebre Trust** 

Dear Mr. Basu:

Dear Ms. Teresa-Fojo:

Pursuant to the state-mandated and School Board approved Interlocal Agreement, local government, the development community and the School Board are to collaborate on the options to address the impact of proposed residential development on public schools where the proposed development would result in an increase in the schools' FISH % utilization (permanent and relocatable), in excess of 115%.

Attached please find the School District's review analysis of potential impact generated by the above referenced application. Please note that two of the impacted school facilities: Eugenia B. Thomas Elementary and Doral Middle Schools, meet the referenced review threshold (please see enclosed analysis).

Additionally, at its April 13, 2005 meeting, the Board approved School District criteria that would allow District staff to make recommendations on residential zoning applications that impact public schools beyond the 115% of FISH capacity threshold (Review Criteria). Pursuant to the Interlocal and the recently approved Review Criteria, the District met with the applicant several times to discuss the impact of the proposed development on public schools. The District is grateful that the applicant took the time to meet with the School District to discuss mitigation options outlined in the Review Criteria that may accommodate new students generated by the proposed application. As such, the applicant has voluntarily proffered to the School Board a monetary donation, over and above impact fees. The payment of the required educational impact fees for this proposed development and the proffered monetary donation will provide the full capital cost of student stations for the additional students generated be the proposed development. Please be advised that such a proffer by the applicant is subject to School Board approval at an upcoming meeting.

Mr. Subrata Basu March 18, 2008 Page Two

Pursuant to the recently approved 5-year work plan, please note the enclosed analysis depicts the various relief schools planned in the area. Additionally, pursuant to Miami-Dade County's Educational Facilities Impact Fee Ordinance the proposed development, if approved, will be required to pay educational facilities impact fees (impact fees) based on the following formula:

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

As an example, assuming the typical proposed unit is 1,050 square feet, the additional 1050 units are estimated to generate approximately \$1,622,250 (\$1,545 per unit – excluding 2% administrative fee) in impact fees. This figure may vary since the impact fees assessed are based on the actual square footage of each dwelling unit.

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

Sincerely,

Ivan M. Rodriguez, R.

Director II

IMR:ir L458

cc: Ms. Ana Rijo-Conde

Mr. Fernando Albuerne

#### **SCHOOL IMPACT REVIEW ANALYSIS**

July 23, 2007 (Revised)

**APPLICATION:** 

No. 3, Anthony Balzebre Trust

**REQUEST:** 

Change Land Use from Industrial and Office & Business and Office to Business and Office. Designate property as a

Regional Activity Center (RAC)

**ACRES:** 

+ 59.95 Acres

LOCATION:

Northwest corner of NW 107 Avenue and NW 12 Street

MSA/

**MULTIPLIER:** 

3.2 / .35 Multifamily

NUMBER OF

UNITS:

1050 units

**ESTIMATED STUDENT** 

**POPULATION:** 

368\*

**ELEMENTARY:** 

177

MIDDLE:

81

SENIOR HIGH:

110

#### SCHOOLS SERVING AREA OF APPLICATION

**ELEMENTARY:** 

Eugenia B. Thomas K-8 Center – NW 58 Street and 114 Avenue

MIDDLE:

Doral Middle - 5005 NW 112 Ave.

SENIOR:

Miami Coral Park Senior High – 8865 SW 16 Street

All schools are located in Regional Center III.

\*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 Information Technology Services, as of October 2006:

	STUDENT		FISH DESIGN CAPACITY	% UTILIZATION FISH DESIGN CAPACITY	NUMBER OF PORTABLE STUDENT	% UTILIZATION FISH DESIGN CAPACITY PERMANENT AND
Eugenia B.	1,703		PERMANENT	180%	STATIONS	152%
Thomas K-8 Center	1,880	*	945	199%	176	168%
Doral Middle	1,390		1,039	134%	158	116%
	1,471	*		142%		123%
Miami Coral Park Senior	3,747		3,492	107%	784	88%
	3,857	*		110%		90%

<sup>\*</sup>Student population increase as a result of the proposed development

#### Notes:

- 1) Figures above reflect the impact of the class size amendment.
- 2) Pursuant to the Interlocal Agreement, the elementary and middle schools meet the review threshold.

### PLANNED RELIEF SCHOOLS IN THE AREA

School	<u>Status</u>	<b>Projected Occupancy Date</b>
E. B. Thomas K-8 Center	Opened	2007
(Doral Middle School Relief)		

(Doral Middle School Relief) (532 student stations)

(1200 student stations)

S/S "P-1" a new K-8 facility	Construction	School Opening 2008
(John I. Smith Elementary,		, -
E. B. Thomas K-8 Center;		
and Doral Middle School Relief)		
(1624 student stations)		

S/S T1, new elementary school Site Acquisition School Opening 2010 (John I. Smith Elementary and E.B. Thomas K-8 Center

**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 \$2,410,032.

<sup>\*\*</sup>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.

**CAPITAL COŜTS:** 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  $177 \times 18,549 = \$3,283,173$ 

MIDDLE 81  $\times$  20,031 = \$1,622,511

SENIOR HIGH Does not meet review threshold

Total Potential Capital Cost \$4,905,684

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



## **APPENDIX 6**

Revised transportation data and analysis from applicant's transportation consultant

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The Department of Planning and Zoning (DP&Z) in cooperation with the county's Public Works Department and Metropolitan Planning Organization performed traffic impact analyses to determine the impact that Application No. 3 would have on the roadway network. The analyses were based on the maximum development that could occur under the requested CDMP land use designations of "Business and Office" and "Low Density residential" and the development program provided by the Applicant. Three development scenarios were analyzed. Scenario 1 assumed the Application site developed with 2,951,190 square feet of commercial retail; Scenario 2 assumed the Application site developed with 1,050 multifamily dwelling units; and Scenario 3 assumed the Application site developed with 1,050 multifamily dwelling units, 225,000 sq. ft. of open space, 799,900 sq. ft. of commercial retail, and a 430 room hotel (development program proposed by the Applicant). The Department's traffic impact analyses identified several roadways that would be significantly impacted by the Application (see pp 3-27 of Initial Recommendations Report).

The Applicant also submitted a traffic impact study in support of the application. The study compared and evaluated the transportation impacts resulting from the proposed CDMP amendment based on three scenarios: the maximum allowable square footage permitted under the current land use designation, the development under the requested land use designation, and the maximum development program proposed by the Applicant. The transportation consultant concluded that there is available capacity and acceptable levels of service are maintained in the adjacent roadway network. DP&Z staff disagreed with the conclusions of the report. However, county staff expressed willingness to meet with the transportation consultant to discuss and analyze the discrepancies in the results. The results of the Department and Applicant's traffic analyses were presented in Volume 1 of the Initial Recommendations Report, April 2007 Applications to Amend the CDMP, dated August 25, 2007.

The Applicant addressed Miami-Dade County's concerns related to traffic concurrency for NW 12 Street on November 8, 2007. DPZ then revised and replaced pages 3-2 and 3-22 dated November 27, 2007, and included these revised pages in their staff's Initial Recommendations Report prepared for the CDMP Amendment Transmittal Public Hearing. See Attachment I of this submittal for the original page 3-2, and the revised and replaced pages 3-2 and 3-22 which were inserted into the Report by DPZ for the November 27, 2007 transmittal hearing.

On February 1, 2008, the Applicant's transportation consultant met with staff of Miami-Dade County to address their concerns related to Year 2015 traffic conditions for the roadway segments identified on page 3-27 of Volume 1 of the Initial Recommendations (August 25, 2007) and for all the segments included in the study area for Application No. 3. The Applicant was provided copies of the Miami-Dade County Year 2015 modeling forecasts for Application No. 3 which were used by staff to evaluate the amendment. The modeling forecasts were prepared for the following scenarios: Base

Scenario – Industrial and retail using the maximum FAR under the existing land use designation; Scenario 1 – All retail using the maximum FAR based upon the Amendment; Scenario 2 – All residential based upon the maximum FAR and density based upon the Amendment; and Scenario 3 - Mixed Use Development Program with retail, office, hotel and residential.

Miami-Dade staff analyzed the potential impact of the base scenario and each of the three development scenarios, even though the Applicant had submitted a draft covenant to limit development impacts to Scenario 3. Since the covenant was accepted as part of the CDMP Transmittal Hearing, Miami-Dade County staff has indicated that Scenarios 1 and 2 no longer need to be addressed in the infrastructure analysis. The conclusions reached by staff on page 3-27 of their staff report indicated that their findings were based upon the impact of at least <u>one or more</u> of the development scenarios, which then generated the listing of roadway segments identified in the DCA objection above.

The Applicant's transportation consultant submitted additional data and analysis that are included in Tables A and B of this submittal, based upon an impact evaluation which compares the Year 2015 model derived traffic forecasts for the Base Scenario to the Year 2015 model derived traffic forecasts for Scenario 3. The Year 2015 traffic forecasts were then compared to the Year 2015 roadway capacity using the maximum service volumes established in the FDOT 2002 Quality/Level of Service Handbook for both the state and non-state roadways pursuant to the adopted level of service standards from the Traffic Circulation Subelement of the Miami-Dade County CDMP. The data and analysis provided in Table A demonstrates that each of the 71 study segments analyzed were found to either meet the adopted level of service standards or were found to not significantly impact the study roadway segments based upon the development of the Application No. 3 property using the Scenario 3, Mixed Use Development Program. The development permitted under Scenario 3 does not significantly impact any roadway segment operating below adopted LOS standards for the long term planning horizon since the Amendment traffic will not impact any of these segments by 5.0% or more of service capacity based on the adopted level of service standard. The data and analysis provided in Table B specifically addresses those roadway segments listed on page 3-27 of the Initial Recommendations Report and page 10 of the ORC, which are also included in Table A below.

Table A - Year 2015 Analysis of Roadways Identified as Infrastructure Concerns by Miami-Dade County using the Proposed Scenario 3 Mixed Use Development Program

Roadway	Segment Limits	2015 Lanes	2015 Adopted	2015 Model Base Scenario	2015 Model Scenario 3	% Change Base vs.	Significance Status	Segment Capacity	Segment Capacity from FDOT Tables	2015 Model Base Scenario	2015 Model Scenario 3	Base V/C Using FDOT	Scenario 3 V/C Using FDOT	% Change Base vs.	Significance Status
,	· ·		LÓS	V/C	V/C	Scenario 3		from Model	with LOS Adjustments	Volumes	Volumes	Capacities	Capacities	Scenario 3	
NW 58 Street	SR 826 to NW 87 Ave	4LD	D	1.58	1.55	-2.19%	Reduction in Impact	24,914	31,100	39,261	38,715	1.26	1.24	-1.76%	Not Significant - below 5%
	NW 87 Ave to NW 92 Ave	4LD	D	1.24	1.30	5.94%	See calculations using adopted LOS	24,914	31,100	30,997	32,478	1.00	1.04	4.76%	Not Significant - below 5%
	NW 92 Ave to NW 97 Ave	4LD	D	1.15	1.19	4.44%	Not Significant - below 5%	24,914	31,100	28,547	29,654	0.92	0.95	3.56%	Not Significant - below 5%
	NW 97 Ave to NW 102 Ave	4LD	D	0.93	0.92	-0.15%	Not Significant - below 5%	24,914	31,100	23,047	23,009	0.74	0.74	-0.12%	Not Significant - below 5%
NW 41 Street	SR 826 to NW 87 Ave	6LD	120% of E	1.08	1.07	-0.71%	Reduction in Impact	51,978	59,160	56,170	55,801	0.95	0.94	-0.62%	Not Significant - below 5%
	NW 87 Ave to NW 97 Ave	6LD	120% of E	1.14	1.14	0.57%	Not Significant - below 5%	51,978	59,160	59,206	59,504	1.00	1.01	0.50%	Not Significant - below 5%
	HEFT to NW 122 Ave	2LD	D	1.3226	1.3725	4.99%	Not Significant - below 5%	12,500	14,600	16,532	17,156	1.13	1.18	4.27%	Not Significant - below 5%
NW 25 Street	SR 826 to NW 82 Ave	6LD	120% of E	1.32	1.34	1.69%	Not Significant - below 5%	51,978	59,160	68,734	69,610	1.16	1.18	1.48%	Not Significant - below 5%
	NW 82 Ave to NW 87 Ave	6LD	120% of E	1.22	1.24	1.74%	Not Significant - below 5%	51,978	59,160	63,523	64,425	1.07	1.09	1.52%	Not Significant - below 5%
	NW 87 Ave to NW 97 Ave	4LD	120% of E	1.31	1.34	2.73%	Not Significant - below 5%	34,348	39,480	45,165	46,103	1.14	1.17	2.38%	Not Significant - below 5%
	NW 107 Ave to NW 112 Ave	4LD	D	0.99	1.00	0.99%	Not Significant - below 5%	24,914	31,100	24,603	24,850	0.79	0.80	0.79%	Not Significant - below 5%
	NW 122 Ave to NW 127 Ave	4LD	D	0.74	0.74	-0.51%	Reduction in Impact	36,218	31,100	26,818	26,633	0.86	0.86	-0.59%	Not Significant - below 5%
NW 12 Street	SR 826 to NW 87 Ave	4LD	120% of E - TDP	0.82	0.86	3.40%	Meets Adopted LOS Standard	34,348	39,480	28,226	29,393	0.71	0.74	2.96%	Not Significant - below 5%
	NW 87 Ave to NW 97 Ave	4LD	120% of E - TDP	1.12	1.17	5.33%	See calculations using adopted LOS	36,218	39,480	40,563	42,495	1.027	1.076	4.89%	Not Significant - below 5%
	NW 97 Ave to NW 98 Court	4LD	120% of E - TDP	1.00	1.05	5.33%	See calculations using adopted LOS	36,218	39,480	36,276	38,208	0.919	0.968	4.89%	Not Significant - below 5%
	NW 98 Court to NW 107 Ave	4LD	120% of E - TDP	0.99	1.04	5.57%	See calculations using adopted LOS	36,218	39,480	35,741	37,757	0.91	0.96	5.11%	Meets Adopted LOS Standard
	NW 107 Ave to Project	6LD	E - TDP	0.60	0.66	6.03%	Meets Adopted LOS Standard	51,978	49,300	31,094	34,228	0.63	0.69	6.36%	Meets Adopted LOS Standard
	Project to NW 111 Ave	6LD	E - TDP	0.57	0.70	12.50%	Meets Adopted LOS Standard	51,978	49,300	29,745	36,244	0.60	0.74	13.18%	Meets Adopted LOS Standard
	NW 111 Ave to Dolphin Mall	6LD	E - TDP	0.51	0.59	8.63%	Meets Adopted LOS Standard	51,978	49,300	26,291	30,778	0.53	0.62	9.10%	Meets Adopted LOS Standard
	Dolphin Mall to HEFT	6LD	E - TDP	0.55	0.64	8.76%	Meets Adopted LOS Standard	51,978	49,300	28,768	33,322	0.58	0.68	9.24%	Meets Adopted LOS Standard
SR 836	SR 826 to NW 87 Ave	8LD	D	0.71	0.75	3.45%	Not Significant - below 5%	111,978	144,300	80,007	83,866	0.55	0.58	2.67%	Not Significant - below 5%
	NW 87 Ave to NW 107 Ave	8LD	D	0.80	0.80	0.23%	Not Significant - below 5%	130,467	144,300	104,649	104,952	0.73	0.73	0.21%	Not Significant - below 5%
	NW 107 Ave to HEFT	8LD	D	0.95	1.06	10.62%	See calculations using adopted LOS	93,489	144,300	89,238	99,163	0.62	0.69	6.88%	Meets Adopted LOS Standard
West Flagler St	SR 826 to NW 79 Ave	6LD	120% of E	1.26	1.30	4.28%	Not Significant - below 5%	50,544	62,160	63,740	65,902	1.03	1.06	3.48%	Not Significant - below 5%
SW 8 Street	SR 826 to SW 82 Ave	6LD	120% of E	1.27	1.31	4.00%	Not Significant - below 5%	51,978	62,160	65,992	68,072	1.06	1.10	3.35%	Not Significant - below 5%
	HEFT to SW 122 Ave	8LD	D	1.188	1.260	7.27%	See calculations using adopted LOS	51,978	67,800	61,728	65,508	0.91	0.97	5.58%	Meets Adopted LOS Standard
	SW 122 Ave to SW 127 Ave	6LD	D	1.044	1.092	4.78%	Not Significant - below 5%	51,978	53,500	54,289	56,775	1.01	1.06	4.65%	Not Significant - below 5%
SW 26 Street	SR 826 to SW 82 Ave	6LD	120% of E	1.20	1.12	-7.23%	Reduction in Impact	50,544	59,160	60,460	56,806	1.02	0.96	-6.18%	Not Significant - below 5%
	SW 117 Ave to SW 122 Ave	4LD	120% of E	1.28	1.23	-5.48%	Reduction in Impact	34,348	39,480	44,045	42,164	1.12	1.07	-4.76%	Not Significant - below 5%
SR 826	NW 58 St to NW 41 St	10LD	D	1.37	1.35	-2.12%	Reduction in Impact	186,196	182,600	254,986	251,031	1.40	1.37	-2.17%	Not Significant - below 5%
	NW 41 St to NW 25 St	10LD	D	1.29	1.28	-1.26%	Reduction in Impact	186,196	182,600	240,273	237,925	1.32	1.30	-1.29%	Not Significant - below 5%
	NW 25 St to SR 836	8LD	D	1.70	1.69	-1.18%	Reduction in Impact	148,956	144,300	253,953	252,196	1.76	1.75	-1.22%	Not Significant - below 5%
	SR 836 to W. Flagler St	10LD	D	1.13	1.08	-5.60%	Reduction in Impact	186,196	182,600	210,706	200,279	1.15	1.10	-5.71%	Not Significant - below 5%
	W. Flagler St to SW 8 St	10LD	D	1.34	1.30	-3.52%	Reduction in Impact	186,196	182,600	248,600	242,053	1.36	1.33	-3.59%	Not Significant - below 5%
	SW 8 St to SW 40 St	10LD	D	1.25	1.20	-4.25%	Reduction in Impact	186,196	182,600	231,940	224,032	1.27	1.23	-4.33%	Not Significant - below 5%

		2015	2015	2015 Model	2015 Model	% Change	Significance	Segment	Segment Capacity	2015 Model	2015 Model	Base V/C	Scenario 3 V/C	% Change	Significance
Roadway	Segment Limits	Lanes	Adopted	Base Scenario	Scenario 3	Base vs.	Status	Capacity	from FDOT Tables	Base Scenario	Scenario 3	Using FDOT	Using FDOT	Base vs.	Status
NW 87 Avenue	NW 25 St to SR 836	6LD	LOS 120% of E	V/C 1.461	V/C 1.511	Scenario 3 5.02%	See calculations using adopted LOS	from Model 51,978	with LOS Adjustments 59,160	75,936	78,546	Capacities 1.28	Capacities 1.33	Scenario 3 4.41%	Not Significant - below 5%
	SR 836 to Park Blvd	6LD	120% of E	1.03	1.05	2.25%	Reduction in Impact	50,544	62,160	51,844	52,981	0.83	0.85	1.83%	Not Significant - below 5%
	W. Flagler St to SW 8 St	4LD	120% of E	1.35	1.34	-1.21%	Reduction in Impact	34,348	41,400	46,492	46,077	1.12	1.11	-1.00%	Not Significant - below 5%
	W. Flagici St to SW 0 St	1 10	12070 01 E	1.55	1.04	1.2170	Reduction in impact	34,340	41,100	40,472	40,077	1.12	1	1.00%	Not Significant Delow 370
NW 97 Avenue	NW 58 St to NW 52 St	2LD	E - TDP	1.38	1.44	6.69%	See calculations using adopted LOS	11,522	16,380	15,867	16,638	0.969	1.016	4.71%	Not Significant - below 5%
	NW 52 St to NW 41 St	4LD	E - TDP	0.93	0.96	3.43%	Not Significant - below 5%	24,914	32,900	23,164	24,019	0.70	0.73	2.60%	Not Significant - below 5%
	NW 41 St to NW 33 St	4LD	E - TDP	1.29	1.32	3.61%	Not Significant - below 5%	24,914	32,900	32,088	32,987	0.98	1.00	2.73%	Not Significant - below 5%
	NW 33 St to NW 25 St	4LD	E - TDP	1.039	1.086	4.77%	Not Significant - below 5%	24,914	32,900	25,879	27,067	0.79	0.82	3.61%	Not Significant - below 5%
	NW 25 St to NW 12 St	4LD	120% of E	0.94	0.98	4.07%	Not Significant - below 5%	23,608	39,480	22,292	23,252	0.56	0.59	2.43%	Not Significant - below 5%
	NW 12 St to NW 7 St	4LD	E - TDP	0.90	0.92	1.77%	Not Significant - below 5%	32,956	32,900	29,602	30,184	0.90	0.92	1.77%	Not Significant - below 5%
	NW 7 St to Flagler St	4LD	E - TDP	0.919	0.967	4.81%	Not Significant - below 5%	32,956	32,900	30,283	31,869	0.92	0.97	4.82%	Not Significant - below 5%
	Flagler St to SW 8 St	4LD	E - TDP	1.43	1.46	3.28%	Not Significant - below 5%	32,956	32,900	47,098	48,178	1.43	1.46	3.28%	Not Significant - below 5%
	SW 8 St to Coral Way	2LD	E - TDP	1.20	1.23	3.85%	Not Significant - below 5%	16,086	16,380	19,224	19,844	1.17	1.21	3.79%	Not Significant - below 5%
NW 107 Avenue	NW 58 St to NW 50 St	4LD	D	0.86	0.91	4.45%	Not Significant - below 5%	34,348	31.100	29.561	31,088	0.951	1.000	4.91%	Not Significant - below 5%
107 AVCING	NW 41 St to NW 33 St	4LD	120% of E	1.12	1.15	3.36%	Not Significant - below 5%	34,348	39,480	38,322	39,476	0.97	1.00	2.92%	Not Significant - below 5%
	NW 33 St to NW 25 St	4LD	120% of E	1.31	1.32	1.61%	Not Significant - below 5%	34,348	39,480	44,842	45,395	1.14	1.15	1.40%	Not Significant - below 5%
	NW 25 St to NW 14 St	6LD	120% of E	1.21	1.22	1.71%	Not Significant - below 5%	51,978	59,160	62,661	63,550	1.06	1.07	1.50%	Not Significant - below 5%
	NW 14 St to NW 12 St	6LD	120% of E	1.13	1.11	-2.19%	Reduction in Impact	51,978	59,160	58.839	57,700	0.99	0.98	-1.93%	Not Significant - below 5%
	NW 12 St to SR 836	8LD	120% of E	1.39	1.50	11.54%	See calculations using adopted LOS	51,978	78,880	72,000	78,000	0.91	0.99	7.61%	Meets Adopted LOS Standard
	SR 836 to NW 7 St	7LD	120% of E	1.40	1.40	0.63%	Not Significant - below 5%	51,978	72,520	72,685	73,010	1.00	1.01	0.45%	Not Significant - below 5%
	NW 7 St to W. Flagler	6LD	120% of E	0.82	0.85	2.20%	Not Significant - below 5%	51,978	62,160	42,808	43,951	0.69	0.71	1.84%	Not Significant - below 5%
	W. Flagler to SW 8 St	6LD	120% of E	1.19	1.21	2.47%	Not Significant - below 5%	50,544	62,160	60,111	61,357	0.97	0.99	2.00%	Not Significant - below 5%
			_												
NW 117 Avenue	NW 58 St to NW 41 St	2LU	D	1.10	1.07	-3.67%	Reduction in Impact	12,500	14,600	13,794	13,335	0.94	0.91	-3.14%	Not Significant - below 5%
	NW 41 St to NW 25 St	2LU	D	1.27	1.25	-1.28%	Reduction in Impact	9,218	14,600	11,671	11,553	0.80	0.79	-0.81%	Not Significant - below 5%
HEFT	NW 41 St to NW 12 St	6LD	D	0.78	0.80	2.18%	Not Significant - below 5%	111,978	103,600	86,993	89,437	0.84	0.86	2.36%	Not Significant - below 5%
	SR 836 to SW 8 St	8LD	D	0.79	0.84	4.85%	Meets Adopted LOS Standard	149,087	144,300	117,701	124,928	0.82	0.87	5.01%	Meets Adopted LOS Standard
	SW 8 St to SW 40 St	10LD	D	1.22	1.29	7.40%	See calculations using Planned Imp.	111,978	182,600	136,404	144,694	0.75	0.79	4.54%	Meets LOS with Planned Imp.
NW 122 Avenue	NW 41 St to NW 25 St	2LU	D	1.24	1.28	4.52%	See calculations using adopted LOS	12,108	14,600	14,981	15,528	1.03	1.06	3.75%	Not Significant - below 5%
	NW 6 St to Walsh Blvd	2LU	D	0.48	0.47	-0.99%	Reduction in Impact	9,218	14,600	4,423	4,332	0.30	0.30	-0.62%	Not Significant - below 5%
	SW 8 St to SW 10 St	6LD	120% of E	1.16	1.23	6.87%	See calculations using adopted LOS	24,914	59,160	28,822	30,534	0.49	0.52	2.89%	Meets Adopted LOS Standard
	SW 10 St to SW 18 St	4LD	120% of E	0.89	0.96	6.87%	See calculations using adopted LOS	24,914	39,480	22,174	23,885	0.56	0.60	4.33%	Meets Adopted LOS Standard
	SW 18 St to SW 26 St	4LD	120% of E	0.85	0.91	6.07%	See calculations using adopted LOS	24,914	39,480	21,130	22,643	0.54	0.57	3.83%	Meets Adopted LOS Standard
NW 132 Avenue	NW 12 St to SW 8 St	2LU	120% of E	1.31	1.56	25.18%	See calculations using adopted LOS	11,522	18,720	15,120	18,021	0.81	0.96	15.50%	Meets Adopted LOS Standard
	SW 8 St to SW 18 St	4LD	D	0.82	0.95	13.71%	Meets LOS Standard	23,608	31,100	19,241	22,477	0.62	0.72	10.41%	Meets Adopted LOS Standard
NIM 407.6	CD 00/11 CW / C	(:5		4.00	401	44.000	D. L. W	F4 020	40.000	74	/	4	4.00	44.010	N. I.O I.O
NW 137 Avenue	SR 836 to SW 6 St	6LD	D	1.38	1.26	-11.23%	Reduction in Impact	51,978	49,300	71,470	65,631	1.45	1.33	-11.84%	Not Significant - below 5%
	SW 6 St to SW 8 St	6LD	D	1.44	1.32	-11.81%	Reduction in Impact	49,370	49,300	71,064	65,235	1.44	1.32	-11.82%	Not Significant - below 5%
SW 157 Avenue	SW 8 St to SW 26 St	4LD	D	1.00	1.00	-0.43%	Not Significant - below 5%	32,956	31,100	33,058	32,917	1.06	1.06	-0.45%	Not Significant - below 5%

Table B - Roadways of Concern Highlighted by Miami-Dade County

		2015	2015	2015 Model	2015 Model	% Change	Significance	Segment	Segment Capacity	2015 Model	2015 Model	Base V/C	Scenario 3 V/C	% Change	Significance
Roadway	Segment Limits	Lanes	Adopted LOS	Base Scenario V/C	Scenario 3 V/C	Base vs. Scenario 3	Status	Capacity from Model	from FDOT Tables with LOS Adjustments	Base Scenario Volumes	Scenario 3 Volumes	Using FDOT Capacities	Using FDOT Capacities	Base vs. Scenario 3	Status
NW 58 Street	NW 87 Ave to NW 92 Ave	4LD	D	1.24	1.30	5.94%	See calculations using adopted LOS	24,914	31,100	30,997	32,478	1.00	1.04	4.76%	Not Significant - below 5%
	NW 92 Ave to NW 97 Ave	4LD	D	1.15	1.19	4.44%	Not Significant - below 5%	24,914	31,100	28,547	29,654	0.92	0.95	3.56%	Not Significant - below 5%
NW 41 Street	HEFT to NW 122 Ave	2LD	D	1.3226	1.3725	4.99%	Not Significant - below 5%	12,500	14,600	16,532	17,156	1.13	1.18	4.27%	Not Significant - below 5%
NW 25 Street	NW 87 Ave to NW 97 Ave	4LD	120% of E	1.31	1.34	2.73%	Not Significant - below 5%	34,348	39,480	45,165	46,103	1.14	1.17	2.38%	Not Significant - below 5%
NW 12 Street	SR 826 to NW 87 Ave	4LD	120% of E - TDP	0.82	0.86	3.40%	Not Significant - below 5%	34,348	39,480	28,226	29,393	0.71	0.74	2.96%	Not Significant - below 5%
	NW 87 Ave to NW 97 Ave	4LD	120% of E - TDP	1.120	1.173	5.33%	See calculations using adopted LOS	36,218	39,480	40,563	42,495	1.027	1.076	4.89%	Not Significant - below 5%
	NW 97 Ave to NW 98 Court	4LD	120% of E - TDP	1.002	1.055	5.33%	See calculations using adopted LOS	36,218	39,480	36,276	38,208	0.919	0.968	4.89%	Not Significant - below 5%
	NW 98 Court to NW 107 Ave	4LD	120% of E - TDP	0.987	1.042	5.57%	See calculations using adopted LOS	36,218	39,480	35,741	37,757	0.91	0.96	5.11%	Meets Adopted LOS Standard
	NW 107 Ave to Project	6LD	E - TDP	0.60	0.66	6.03%	Meets Adopted LOS Standard	51,978	49,300	31,094	34,228	0.63	0.69	6.36%	Meets Adopted LOS Standard
	Project to NW 111 Ave	6LD	E - TDP	0.57	0.70	12.50%	Meets Adopted LOS Standard	51,978	49,300	29,745	36,244	0.60	0.74	13.18%	Meets Adopted LOS Standard
	NW 111 Ave to Dolphin Mall	6LD	E - TDP	0.51	0.59	8.63%	Meets Adopted LOS Standard	51,978	49,300	26,291	30,778	0.53	0.62	9.10%	Meets Adopted LOS Standard
	Dolphin Mall to HEFT	6LD	E - TDP	0.55	0.64	8.76%	Meets Adopted LOS Standard	51,978	49,300	28,768	33,322	0.58	0.68	9.24%	Meets Adopted LOS Standard
SR 836	SR 826 to NW 87 Ave	8LD	D	0.71	0.75	3.45%	Not Significant - below 5%	111,978	144,300	80,007	83,866	0.55	0.58	2.67%	Not Significant - below 5%
	NW 87 Ave to NW 107 Ave	8LD	D	0.80	0.80	0.23%	Not Significant - below 5%	130,467	144,300	104,649	104,952	0.73	0.73	0.21%	Not Significant - below 5%
	NW 107 Ave to HEFT	8LD	D	0.95	1.06	10.62%	See calculations using adopted LOS	93,489	144,300	89,238	99,163	0.62	0.69	6.88%	Meets Adopted LOS Standard
West Flagler St	SR 826 to NW 79 Ave	6LD	120% of E	1.26	1.30	4.28%	Not Significant - below 5%	50,544	62,160	63,740	65,902	1.03	1.06	3.48%	Not Significant - below 5%
SW 8 Street	SR 826 to SW 82 Ave	6LD	120% of E	1.27	1.31	4.00%	Not Significant - below 5%	51,978	62,160	65,992	68,072	1.06	1.10	3.35%	Not Significant - below 5%
	HEFT to SW 122 Ave	8LD	D	1.188	1.260	7.27%	See calculations using adopted LOS	51,978	67,800	61,728	65,508	0.91	0.97	5.58%	Meets Adopted LOS Standard
	SW 122 Ave to SW 127 Ave	6LD	D	1.044	1.092	4.78%	Not Significant - below 5%	51,978	53,500	54,289	56,775	1.01	1.06	4.65%	Not Significant - below 5%

		2015	2015	2015 Model	2015 Model	% Change	Significance	Segment	Segment Capacity	2015 Model	2015 Model	Base V/C	Scenario 3 V/C	% Change	Significance
Roadway	Segment Limits	Lanes	Adopted	Base Scenario	Scenario 3	Base vs.	Status	Capacity	from FDOT Tables	Base Scenario	Scenario 3	Using FDOT	Using FDOT	Base vs.	Status
,	•		LÓS	V/C	V/C	Scenario 3		from Model	with LOS Adjustments	Volumes	Volumes	Capacities	Capacities	Scenario 3	
NW 87 Avenue	NW 25 St to SR 836	6LD	120% of E	1.461	1.511	5.02%	See calculations using adopted LOS	51,978	59,160	75,936	78,546	1.28	1.33	4.41%	Not Significant - below 5%
NW 97 Avenue	NW 58 St to NW 52 St	2LD	E - TDP	1.38	1.44	6.69%	See calculations using adopted LOS	11.522	16.380	15.867	16.638	0.969	1.016	4.71%	Not Significant - below 5%
IVW 97 Averlue				11			ů .	, ,	.,	.,	.,				,
	NW 52 St to NW 41 St	4LD	E - TDP	0.93	0.96	3.43%	Not Significant - below 5%	24,914	32,900	23,164	24,019	0.70	0.73	2.60%	Not Significant - below 5%
	NW 25 St to NW 12 St	4LD	120% of E	0.94	0.98	4.07%	Not Significant - below 5%	23,608	39,480	22,292	23,252	0.56	0.59	2.43%	Not Significant - below 5%
	NW 12 St to NW 7 St	4LD	E - TDP	0.90	0.92	1.77%	Not Significant - below 5%	32,956	32,900	29,602	30,184	0.90	0.92	1.77%	Not Significant - below 5%
	NW 7 St to Flagler St	4LD	E - TDP	0.919	0.967	4.81%	Not Significant - below 5%	32,956	32,900	30,283	31,869	0.92	0.97	4.82%	Not Significant - below 5%
NW 107 Avenue	NW 25 St to NW 14 St	6LD	120% of E	1.21	1.22	1.71%	Not Significant - below 5%	51,978	59,160	62,661	63,550	1.06	1.07	1.50%	Not Significant - below 5%
	NW 14 St to NW 12 St	6LD	120% of E	1.13	1.11	-2.19%	Reduction in Impact	51,978	59,160	58,839	57,700	0.99	0.98	-1.93%	Not Significant - below 5%
	NW 12 St to SR 836	8LD	120% of E	1.39	1.50	11.54%	See calculations using adopted LOS	51,978	78,880	72,000	78,000	0.91	0.99	7.61%	Meets Adopted LOS Standard
	SR 836 to NW 7 St	7LD	120% of E	1.40	1.40	0.63%	Not Significant - below 5%	51,978	72,520	72,685	73,010	1.00	1.01	0.45%	Not Significant - below 5%
	NW 7 St to W. Flagler	6LD	120% of E	0.82	0.85	2.20%	Not Significant - below 5%	51,978	62,160	42,808	43,951	0.69	0.71	1.84%	Not Significant - below 5%
HEFT	SR 836 to SW 8 St	8LD	D	0.79	0.84	4.85%	Meets Adopted LOS Standard	149,087	144,300	117,701	124,928	0.82	0.87	5.01%	Meets Adopted LOS Standard
	SW 8 St to SW 40 St	10LD	D	1.22	1.29	7.40%	See calculations using Planned Imp.	111,978	182,600	136,404	144,694	0.75	0.79	4.54%	Meets LOS with Planned Imp.
NW 122 Avenue	NW 41 St to NW 25 St	2LU	D	1.24	1.28	4.52%	See calculations using adopted LOS	12,108	14,600	14,981	15,528	1.03	1.06	3.75%	Not Significant - below 5%
	SW 8 St to SW 10 St	6LD	120% of E	1.16	1.23	6.87%	See calculations using adopted LOS	24,914	59,160	28,822	30,534	0.49	0.52	2.89%	Meets Adopted LOS Standard
	SW 10 St to SW 18 St	4LD	120% of E	0.89	0.96	6.87%	See calculations using adopted LOS	24,914	39,480	22,174	23,885	0.56	0.60	4.33%	Meets Adopted LOS Standard
	SW 18 St to SW 26 St	4LD	120% of E	0.85	0.91	6.07%	See calculations using adopted LOS	24,914	39,480	21,130	22,643	0.54	0.57	3.83%	Meets Adopted LOS Standard
NW 132 Avenue	NW 12 St to SW 8 St	2LU	120% of E	1.31	1.56	25.18%	See calculations using adopted LOS	11,522	18,720	15,120	18,021	0.81	0.96	15.50%	Meets Adopted LOS Standard
	SW 8 St to SW 18 St	4LD	D	0.82	0.95	13.71%	Meets LOS Standard	23,608	31,100	19,241	22,477	0.62	0.72	10.41%	Meets Adopted LOS Standard

## **APPENDIX 7**

Table 10 (Traffic Circulation) and Table 11 (Mass Transit) of the Capital Improvements Element (CIE) revised and submitted by the applicant

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TABLE 10 TRAFFIC CIRCULATION CAPITAL IMPROVEMENT ELEMENT - 2007 APPLICATION NO. 3

Project Name and Location   Project Name Name Name Name Name Name Name Name		4.1050	0.0000	4.1050	3.7500	0.3550	0.0000	0.0000	0.0000	0.0000	0.0000		ESTIMATED IMPROVEMENT COSTS:	ESTIM,
Project Name and Location   Project Name and Name   Project Name	Develope Funded 507	0.6600	0.0000	0.6600	0.8000	0.0600	0.0000	0.0000	0.0000	0.0000	0.0000	12/2012	<u>×</u>	<b>.</b>
Project Name and Location   Project Name and Name   Project Name   Project Name and Name   Project Name   Project Name and Name   Project Nam	Develop Funded <b>507</b>	0.2750	0.0000	0.2750	0.2500	0.0250	0.0000	0.0000	0.0000	0.0000	0.0000	12/2012		<b>5</b> h
Project Name and Location         Year of Intersection improvement at NW 12 Street and NW 111 Avenue         Year of Completion Vears         Prior 2007/08         2009/10         2019/11         2011/12         2012/13         Year of Vear Totals         Future Project Project Project Project Name and Location         Prior 2007/08         2009/10         2019/11         2011/12         2012/13         Year Totals         Future Project Proje	Develope Funded 507	1.7400	0.0000	1.7400	1.6000	0.1400	0.0000	0.0000	0.0000	0.0000	0.0000	12/2012	Widen NW 14 Street from NW 111 Avenue to NW 107 Avenue Add a third eastbound travel lane to expand NW 14 Street from a 4LD to a 5LD.	
Year of Project Name and Location   Year of Prior   2007/08   2008/09   2009/10   2010/11   2011/12   2012/13   Year   Project   Proje	Develope Funded <b>507</b>	0.2750	0.0000	0.2750	0.2500	0.0250	0.0000	0.0000	0.0000	0.0000	0.0000	12/2012		ω
Project Name and Location Year of Prior 2007/08 2009/10 2010/11 2011/12 2012/13 Year Future Project Name and Location Completion Years 1014/15 2009/10 2010/11 2011/12 2012/13 Year Future Project Name and Location Project Name and Location Completion Years 1014/15 1014/15 Years 1014/15 NW 12 Street and NW 111 Avenue 12/2012 0.0000 0.0000 0.0000 0.0000 0.0000 0.0250 0.2500 0.2750 0.2750 Includes signal modification.	Develope Funded 507	0.8800	0.0000	0.8800	0.8000	0.0800	0.0000	0.0000	0.0000	0.0000	0.0000	12/2012		N
Year of Prior         Project Name and Location         Year of Completion         Years         Prior         2008/09         2008/09         2009/10         2010/11         2011/12         2012/13         Year         Future         Project	Develope Funded 507	0.2750	0.0000	0.2750	0.2500	0.0250	0.0000	0.0000	0.0000	0.0000	0.0000	12/2012	1 Intersection Improvement at NW 12 Street and NW 111 Avenue Add an exclusive westbound right turn lane. Includes signal modification.	_
Year of Prior 2007/08 2008/09 2009/10 2010/11 2011/12 2012/13 Year Future Project	Source	Totals	Years	Totals							Years	Completion		Numbe
3 4 5	Funding	Project	Future	Year	2012/13	2011/12	2010/11	2009/10	2008/09	2007/08	Prior	Year of	bject	Projec
				Six	6	5	•	3	2	-				

TABLE 11

MASS TRANSIT

CAPITAL IMPROVEMENT ELEMENT - 2007 APPLICATION NO. 3

3.0000 9.0000 0.0000								(In Millions	In Millions of Dollars)					
ts corner of NW 12 Street and de the following:  td Services  td Services  12/2012  0.0000	Project	Project Name and Londing	Year of	Prior	2007/08		3 2009/10	2010/11	5 2011/12		Six	Future	Project	Funding
st corner of NW 12 Street and de the following:  de	-	Multi-Model Transit Conto	Completion	Years							Totals	Years	Totals	Source
0.0000 0.0000 0.0000 0.5000 3.5000 3.0000 9.0000	•	Located in the southwest corner of NW 12 Street and NW 107 Avenue to include the following: 10 Bus Bays Driver Facilities and Services Transit Oriented Retail Kiss and Ride Drop Off Area Commuter Parking Garage	12/2012	0.0000	0.0000	0.0000	0.0000		5.5000	3.0000	9.0000	0.0000	00000	Developer Funded
0.0000 0.5000 5.5000 3.0000 9.0000 0.0000 0.5000 3.0000 9.0000	ESTIMATE	D IMPROVEMENT COSTS:		00000	00000									
				0.000	0.0000		0.0000	0.5000	5.5000	3.0000	9.0000	00000	00000	